United Nations

# Report of the Committee on the Elimination of Discrimination against Women

## Thirtieth session
## (12-30 January 2004)

## Thirty-first session
## (6-23 July 2004)

**General Assembly**
**Official Records**
**Fifty-ninth Session**
**Supplement No. 38 (A/59/38)**

**General Assembly**
Official Records
Fifty-ninth Session
Supplement No. 38 (A/59/38)

# Report of the Committee on the Elimination of Discrimination against Women

**Thirtieth session**
**(12-30 January 2004)**

**Thirty-first session**
**(6-23 July 2004)**

United Nations • New York, 2004

*Note*

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such symbol indicates a reference to a United Nations document.

The designations employed and the presentation of the material in this document do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

ISSN 0255-0970

## Contents

Part one
Report of the Committee on the Elimination of Discrimination against Women on its thirtieth session

| *Chapter* | | *Paragraphs* | *Page* |
|---|---|---|---|
| | Letter of transmittal | | 2 |
| I. | Matters brought to the attention of States parties | | 3 |
| | Decisions | | 3 |
| II. | Organizational and other matters | 1–33 | 4 |
| | A. States parties to the Convention on the Elimination of All Forms of Discrimination against Women | 1–3 | 4 |
| | B. Opening of the session | 4–21 | 4 |
| | C. Attendance | 22–23 | 10 |
| | D. Solemn declaration | 24 | 10 |
| | E. Adoption of the agenda and organization of work | 25 | 10 |
| | F. Report of the pre-session working group | 26–29 | 10 |
| | G. Organization of work | 30–33 | 11 |
| III. | Report of the Chairperson on the activities undertaken between the twenty-ninth and thirtieth sessions of the Committee | 34–43 | 12 |
| IV. | Consideration of reports submitted by States parties under article 18 of the Convention | 44–407 | 15 |
| | A. Introduction | 44–45 | 15 |
| | B. Consideration of reports of States parties | 46–407 | 15 |
| | 1. Combined initial and second periodic report | | |
| | Kuwait | 46–84 | 15 |
| | 2. Combined initial, second, third, fourth, fifth and sixth periodic report | | |
| | Bhutan | 85–132 | 21 |
| | 3. Second periodic report | | |
| | Kyrgyzstan | 133–178 | 28 |
| | 4. Combined second and third periodic report | | |
| | Nepal | 179–225 | 34 |

5. Combined fourth and fifth periodic reports

Ethiopia . . . . . 226–273 42

Nigeria . . . . . 274–316 49

6. Combined fourth, fifth and sixth periodic report

Belarus . . . . . 317–364 55

7. Fifth periodic report

Germany . . . . . 365–407 62

V. Activities carried out under the Optional Protocol to the Convention . . . . . 408–412 69

A. Action taken by the Committee in respect of issues arising from article 2 of the Optional Protocol . . . . . 409 69

B. Action taken by the Committee in respect of issues arising from article 8 of the Optional Protocol . . . . . 410–412 69

VI. Ways and means of expediting the work of the Committee . . . . . 413–426 70

VII. Implementation of article 21 of the Convention . . . . . 427–429 75

VIII. Provisional agenda for the thirty-first session . . . . . 430 76

IX. Adoption of the report . . . . . 431 77

Annexes

I. General recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures . 78

II. Statement by the Committee on the Elimination of Discrimination against Women on the situation of women in Iraq . . . . . 87

III. Report of the Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on its third session . . . . . 88

Part two

Report of the Committee on the Elimination of Discrimination against Women on its thirty-first session

Letter of transmittal . . . . . 94

I. Matters brought to the attention of States parties . . . . . 95

Decisions . . . . . 95

II. Organizational and other matters . . . . . 1–19 96

A. States parties to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol . . . . . 1–3 96

B. Opening of the session . . . . . 4–8 96

C. Attendance . . . . . 9–10 97

D. Election of the Rapporteur . . . . . 11 97

E. Adoption of the agenda and organization of work ... 12 98

F. Report of the pre-session working group ... 13–16 98

G. Organization of work ... 17–19 99

III. Report of the Chairperson on the activities undertaken between the thirtieth and thirty-first sessions of the Committee ... 20–27 100

IV. Consideration of reports submitted by States parties under article 18 of the Convention ... 28–387 103

A. Introduction ... 28–29 103

B. Consideration of reports of States parties ... 30–387 103

1. Combined initial, second and third periodic reports

Latvia ... 30–79 103

Malta ... 80–123 111

2. Combined initial, second and third periodic report and combined fourth and fifth periodic reports

Angola ... 124–171 118

3. Combined second and third periodic reports and combined fourth and fifth periodic reports

Equatorial Guinea ... 172–218 126

4. Fifth periodic reports

Bangladesh ... 219–267 134

Dominican Republic ... 268–315 141

Spain ... 316–355 149

5. Follow-up report

Argentina ... 356–387 155

V. Activities carried out under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women ... 388–408 161

VI. Ways and means of expediting the work of the Committee ... 409–447 165

VII. Implementation of article 21 of the Convention ... 448–450 174

VIII. Provisional agenda for the thirty-second session ... 451 175

IX. Adoption of the report ... 452 176

Annexes

I. States parties to the Convention on the Elimination of All Forms of Discrimination against Women, as at 1 August 2004 ... 177

II. States parties which have deposited with the Secretary-General instruments of acceptance of the amendment to article 20, paragraph 1, of the Convention ... 184

III. States parties which have signed, ratified or acceded to the Optional Protocol to the Convention ..... 186

IV. Documents before the Committee at its thirtieth and thirty-first sessions ..... 189

V. Membership of the Committee on the Elimination of Discrimination against Women ..... 191

VI. Status of submission and consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, as at 1 August 2004 ..... 192

VII. Report of the Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on its fourth session ..... 240

VIII. Decision of the Committee on the Elimination of Discrimination against Women declaring a communication inadmissible under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women ..... 244

IX. Request for extension of the meeting time to the Committee on the Elimination of Discrimination against Women ..... 257

X. Overview of the current working methods of the Committee on the Elimination of Discrimination against Women ..... 260

XI. Statement on the situation of women in Iraq ..... 268

# Part one

# Report of the Committee on the Elimination of Discrimination against Women on its thirtieth session

# Letter of transmittal

18 March 2004

Sir,

I have the honour to refer to article 21 of the Convention on the Elimination of All Forms of Discrimination against Women, according to which the Committee on the Elimination of Discrimination against Women, established pursuant to the Convention, "shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities".

The Committee on the Elimination of Discrimination against Women held its thirtieth session from 12 to 30 January 2004 at United Nations Headquarters. It adopted its report on the session at the 647th meeting, on 30 January 2004. The report of the Committee is herewith submitted to you for transmission to the General Assembly at its fifty-ninth session.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Feride **Acar**
Chairperson
Committee on the Elimination of Discrimination against Women

His Excellency Mr. Kofi Annan
Secretary-General of the United Nations
New York

# Chapter I

## Matters brought to the attention of States parties

### Decisions

**Decision 30/I**
**General recommendation 25 (thirtieth session)**

The Committee adopted general recommendation 25 on article 4, paragraph 1, of the Convention, on temporary special measures (see annex I to the present report).

**Decision 30/II**
**Twenty-fifth anniversary of the adoption of the Convention on the Elimination of All Forms of Discrimination against Women**

The Committee notes that 2004 marks the twenty-fifth anniversary of the adoption by the General Assembly of the Convention on the Elimination of All Forms of Discrimination against Women. A total of 175 States have since become parties to the Convention. The Committee agrees that this occasion should be marked with a celebratory event at the fifty-ninth session of the General Assembly. The Committee recommends that one meeting in the plenary of the General Assembly, in close proximity to the dates of consideration of the item entitled "Advancement of women" in the Third Committee, be set aside for this purpose, and encourages Member States to participate in this event at a high level.

**Decision 30/III**
**Statement of the Committee on the Elimination of Discrimination against Women on the situation of women in Iraq**

The Committee adopted a statement on the situation of women in Iraq (see annex II to the present report).

# Chapter II

## Organizational and other matters

### A. States parties to the Convention on the Elimination of All Forms of Discrimination against Women and to the Optional Protocol

1. As at 30 January 2004, the closing date of the thirtieth session of the Committee on the Elimination of Discrimination against Women, there were 175 States parties to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 34/180 of 18 December 1979 and opened for signature, ratification and accession in New York in March 1980. In accordance with article 27, the Convention entered into force on 3 September 1981.

2. On the same date, there were 59 States parties to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 54/4 of 6 October 1999 and opened for signature, ratification and accession in New York on 10 December 1999. In accordance with article 16, the Optional Protocol entered into force on 22 December 2000.

3. A list of States parties to the Convention will be contained in annex I to the final report of the Committee for 2004. A list of States parties that have signed, ratified or acceded to the Optional Protocol to the Convention will be contained in annex II. A list of States parties that have accepted the amendment to article 20, paragraph 1, concerning the Committee's meeting time, will be contained in annex III.

### B. Opening of the session

4. The Committee held its thirtieth session at United Nations Headquarters from 12 to 30 January 2004. The Committee held 19 plenary meetings (629th to 647th) and held 9 meetings to consider agenda items 5, 6, 7 and 8. A list of the documents before the Committee will be contained in annex IV to the final report.

5. The Chairperson of the Committee, Feride Acar, opened the session. The Under-Secretary-General for Economic and Social Affairs, José Antonio Ocampo, the Assistant Secretary-General and Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, Angela E. V. King, and the Director of the Division for the Advancement of Women, Department of Economic and Social Affairs, Carolyn Hannan, made opening statements.

6. In addressing the Committee at its 629th meeting, on 12 January 2004, the Under-Secretary-General welcomed the opportunity to address the Committee on the Elimination of Discrimination against Women early in his tenure as head of the Department of Economic and Social Affairs, a position he had assumed in September 2003. He drew attention to the emphasis placed by the United Nations system, as well as by Member States at the national level, on the achievement of the Millennium Development Goals. Progress towards those goals required economic growth that was equitable, inclusive, pro-development and supportive of equality between women and men. The outcomes of global conferences and the resolutions

and agreed conclusions of intergovernmental bodies were policy instruments for action at the national and international levels towards achieving the Millennium Development Goals.

7. The Convention on the Elimination of All Forms of Discrimination against Women created legal obligations for States parties to respect, protect, promote and fulfil the rights of women. As a legally binding treaty, the Convention created entitlements for rights holders on the one hand — in this case, women — and obligations for ratifying States to give full effect to the provisions of the Convention, on the other hand. The Convention encompassed the full range of rights and enshrined women's entitlement to enjoy those rights on a basis of equality with men, without discrimination. Consequently, the Committee considered legislative, regulatory and other appropriate means taken by States parties, and their effect on equality between women and men. In doing so, the Committee paid consistent attention to the two dimensions — economic considerations and social policies — that were necessary for progress towards the goals of the Convention, and which were also critical for reaching the Millennium Development Goals.

8. The Under-Secretary-General pointed out that the Committee regularly found that de jure and de facto discrimination against women persisted in essentially all States that reported to the Committee. The Committee's responsibilities to monitor the adherence of States parties to their obligations under the Convention, through the reporting process, and its constructive dialogue with States parties confirmed that that form of monitoring and supervision by an international body of experts was an essential aspect of the protection of the rights of women. In the constructive dialogue with representatives of reporting States, the Committee identified positive developments and addressed gaps in implementation where a State party's efforts fell short of Convention requirements. While implementation strategies for global policy instruments could complement strategies designed to implement the Convention as a whole, the commitments of Governments and action resulting from global conferences did not, however, reduce States parties' obligations under the Convention. The Optional Protocol to the Convention offered an international avenue of redress and constituted an essential new tool for women to remedy discrimination. It should also provide a significant incentive for States parties to intensify their efforts at the national level to eliminate and prevent discrimination against women in law and in practice, and to ensure that women had access to justice in an effective, affordable and expeditious manner. The Committee's work under the Optional Protocol would set important precedents of encouragement for women around the world.

9. The Under-Secretary-General attributed great importance to the Convention and the work of the Committee and expressed his appreciation that the Department of Economic and Social Affairs, which he headed, had the responsibility of providing the Committee with substantive servicing. He assured the Committee of the continuing full support of the Department, in particular that of the Division for the Advancement of Women, and of his personal support for its work.

10. In addressing the Committee at its 629th meeting, the Assistant Secretary-General and Special Adviser on Gender Issues and Advancement of Women welcomed the Committee's new member, Dorcas Ama Frema Coker-Appiah, who had been nominated to complete the term of office of Justice Akua Kuenyehia, who was one of seven women elected to the International Criminal Court.

11. The Special Adviser placed the Committee's mandate in the larger context of the work of the United Nations and the increasingly systematic attention given to gender equality in policy discussions in the United Nations. In the Millennium Declaration, the General Assembly had recognized that gender equality was essential to combating poverty, hunger and disease, and for sustainable development. Her Office and the Division for the Advancement of Women continued to monitor the degree of attention given to gender perspectives in efforts aimed at achieving those goals, in addition to goal 3, on achieving gender equality and the empowerment of women. The Special Adviser remarked that the Convention on the Elimination of All Forms of Discrimination against Women and the work of the Committee were instrumental also for progress in achieving the Millennium Development Goals. Member States were planning to undertake a comprehensive review of progress made in implementing all commitments made in the Millennium Declaration and its Goals in 2005. She encouraged the Committee to consider its contribution to that event so as to ensure that attention was paid to gender dimensions. That event would coincide with the 10-year review and appraisal of the implementation of the Beijing Declaration and Platform for Action and the outcome document of the twenty-third special session of the General Assembly. A questionnaire had been sent to Governments in preparation for the latter review, and reports submitted since 1995 by States parties to the Convention would also be used as a source of information in preparing the review.

12. The Special Adviser reported that the Convention and gender equality had received significant attention during the fifty-eighth session of the General Assembly. A number of States had discussed the status of their reporting obligations and the Committee's past or impending consideration of their reports. States had also provided updates about national measures to strengthen implementation of the Convention. The Division had prepared several reports, including one on the status of the Convention, and another on violence against women migrant workers. A biennial report on the improvement of the situation of women in rural areas reviewed, for the first time, the Committee's contribution to improving the situation of this particular group of women in the framework of the implementation of article 14 of the Convention. The report concluded that the Committee's work complemented that of intergovernmental processes and encouraged Governments, international organizations and other actors to use the Convention and the Committee's concluding comments when formulating policies and designing programmes in support of sustainable development. In his report to the General Assembly at its fifty-eighth session on the work of the Organization, the Secretary-General had highlighted human trafficking and its severe impact on women and girls. The entry into force of the United Nations Convention against Transnational Organized Crime, on 29 September 2003, and of its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, on 25 December 2003, provided a new instrument in the fight against trafficking in women and girls.

13. At its fifty-eighth session, the General Assembly, in its resolution 58/145 on the Convention on the Elimination of All Forms of Discrimination against Women, had decided to biennialize consideration of the question. The General Assembly had also adopted, for the first time, a resolution on the elimination of domestic violence against women (resolution 58/147), in which it inter alia, called upon States parties to the Convention to include in their reports to the Committee information on legal

and policy measures adopted and implemented in their efforts to prevent and eliminate domestic violence against women. Elsewhere the Assembly requested the Secretary-General to conduct an in-depth study on all forms of violence against women, in close cooperation with all relevant United Nations bodies and the Special Rapporteur of the Commission on Human Rights on violence against women (see resolution 58/185). The Division for the Advancement of Women would lead the preparation of the study, which was expected to be completed within two years.

14. Turning to the work of the Commission on the Status of Women, the Special Adviser noted that the Commission would review two thematic issues at its forty-eighth session, in March 2004, namely "the role of men and boys in gender equality" and "women's equal participation in conflict prevention, conflict management and conflict resolution and in post-conflict peace-building". The Division had convened two expert group meetings to prepare the discussions and assist the Commission. One meeting, on the role of boys and men in gender equality, was held in Brasilia in October 2003, and the other, on peace agreements as a means for promoting gender equality and ensuring participation of women, was held in Ottawa in November 2003. The Special Adviser pointed out that her Office was organizing an expert group meeting on enhancing women's participation in electoral processes in post-conflict countries, to be held in Glen Cove, New York, late in January 2004. The findings of that meeting would provide input to the Commission's deliberations in March and to the review of the implementation of Security Council resolution 1325 (2000) on the fourth anniversary of its adoption, in October 2004.

15. The Special Adviser informed the Committee that she had addressed the Human Rights Committee at its seventy-eighth session, on 15 July 2003 in Geneva, and had held a useful and constructive exchange with members of that Committee on a wide range of issues. She had also held discussions with the Acting United Nations High Commissioner for Human Rights on the joint work programme of that Office and her Office and the Division for the Advancement of Women. The Acting High Commissioner had participated in a panel showcasing gender mainstreaming in various areas during the substantive session of the Economic and Social Council, in July 2003. A fifth joint workshop of the United Nations Inter-Agency Network on Women and Gender Equality, which she chaired, and the OECD/DAC Network on Gender Equality (GENDERNET) had been held in Paris in July 2003. The workshop had focused on gender and post-conflict reconstruction and lessons learned from Afghanistan and elsewhere, and aimed to contribute to the increased effectiveness of multilateral and bilateral support for post-conflict reconstruction through the enhanced integration of gender perspectives into that work. The Special Adviser noted that the ratification of the Convention by Afghanistan in March 2003 had greatly propelled the issue of women's equal rights and had helped in the successful inclusion of a relevant provision in the new Constitution of Afghanistan. Lastly, her Office had participated in the first session of the newly established Committee on Women at the Economic and Social Commission for Western Asia (ESCWA), held in Beirut in December 2003.

16. Also at the 629th meeting, the Director of the Division for the Advancement of Women welcomed members to the thirtieth session of the Committee and extended a particular welcome to the Committee's new member, Dorcas Ama Frema Coker-Appiah. The Director informed the Committee that, since its last session, in July 2003, San Marino had ratified the Convention, on 10 December 2003, bringing the

total number of States parties to the Convention to 175. Six States parties, namely Poland, the former Yugoslav Republic of Macedonia, Ukraine, Romania, Serbia and Montenegro and the Philippines, had acceded to the Optional Protocol, bringing the total number of accessions to 59. Three additional States parties had accepted the amendment to article 20, paragraph 1, of the Convention, on the Committee's meeting time, namely Croatia, the Philippines and Uruguay, bringing the total number of acceptances to 43. France had lifted its reservation relating to articles 5 (b) and 16, paragraph 1 (d), made upon ratification. While that increase in the number of States parties was a very welcome development, it also posed new challenges to the Committee to ensure full attention to its mandate under both the Convention and the Optional Protocol within the limited meeting time currently allocated to the Committee.

17. The Division's technical assistance activities aimed at implementation of the Convention remained a critical part of the Division's overall efforts in support of the protection and promotion of the human rights of women. They also aimed to contribute to timely reporting by States parties to the Convention. Since the last session, a subregional workshop on reporting under the Convention had been organized for 13 African countries, hosted by the Government of the United Republic of Tanzania in Arusha from 11 to 13 September 2003. The Committee's former Chairperson, Charlotte Abaka, and Ineke Boerefijn, senior researcher at the Netherlands Institute for Human Rights, served as resource persons. The Division had also organized a judicial colloquium from 9 to 11 September, also in Arusha, for judicial practitioners from 11 African countries, on the use of international human rights law, specifically the Convention, in domestic courts. Justice Unity Dow of the High Court of Botswana, retired Justice Sujata Manohar of the Supreme Court of India, and Ms. Boerefijn served as resource persons. The participants adopted a declaration of commitments on the role of the domestic judge in the application of international human rights law at the domestic level, which was available on the Division's web site. The Division had assisted the Government of Mali, at its request, in the review of its combined second to fifth periodic report. Ahua Ouedraogo, a former member of the Committee, had conducted a series of technical meetings with officials from various ministries on the form and content of reports in order to clarify the provisions of the Convention, identify remaining gaps in the draft and possible sources of information, and establish a timetable for the finalization of the report of Mali.

18. A financial contribution from the Government of New Zealand for technical cooperation activities in support of Convention implementation in countries emerging from conflict had enabled the Division to initiate work with Afghanistan and Sierra Leone aimed at raising awareness and understanding of Convention rights and the resultant obligations of States parties, and at enhancing the capacity of government officials to implement the Convention. The Division had also received a financial contribution from the Swedish International Development Agency for the preparation of a Convention implementation kit, which would consist of an implementation manual and a training kit. The Division had financially supported the meeting of the Committee's drafting group, held in Berlin in October 2003, to finalize the revised draft general recommendation on article 4, paragraph 1, of the Convention.

19. The Division, together with the Committee's Chairperson, had participated in a one-day briefing session for parliamentarians, held at Geneva on 4 October. The

meeting had been a follow-up activity to the joint publication by the Division and the Inter-Parliamentary Union of the Handbook for Parliamentarians on the Convention, which had been launched in April 2003. The Division hoped to build on that experience in the future. The Division had participated, on behalf of the Office of the Special Adviser on Gender Issues and Advancement of Women, in a two-day conference, organized and hosted by the Government of Croatia and the United Nations Development Fund for Women (UNIFEM) in Dubrovnik, on 25 and 26 October, on the implementation of the Convention in six countries of Central and Eastern Europe. The event had been spearheaded by three members of the Committee, Dubravka Šimonovic, Victoria Popescu and Krisztina Morvai, and the Committee's Chairperson had served as the keynote speaker. Finally, the Director reported that the Division had participated in a two-day brainstorming session convened by the Special Rapporteur on violence against women, in Istanbul on 7 and 8 December 2003, on the future direction of the mandate of the Special Rapporteur. The Committee was scheduled to meet with the Special Rapporteur, Yakin Ertürk, during the thirtieth session.

20. Turning to the Committee's efforts to keep the efficiency and effectiveness of its working methods under review, the Director noted that timely reporting and timely consideration of reports received were one aspect of the Convention's full implementation at the national level. At the current session, the Committee would consider options for the effective consideration of reports. A second aspect of enhanced implementation at the national level concerned the common efforts of all treaty bodies to ensure that reporting did indeed fulfil that purpose. In follow-up to the second inter-committee meeting, held in June 2003, the Committee would have an opportunity to discuss with a representative of the Office of the United Nations High Commissioner for Human Rights steps taken by the secretariat to implement the recommendations of that meeting in relation to draft guidelines for an expanded core document for consideration by each Committee and adoption at the third inter-committee meeting in 2004, and in relation to greater harmonization of the reporting guidelines for each treaty body.

21. The Director concluded by reviewing the Committee's work for its thirtieth session. It would consider the initial reports of two States parties, Bhutan and Kuwait, as well as the periodic reports of six States parties, namely Belarus, Ethiopia, Germany, Kyrgyzstan, Nigeria and Nepal. The Committee would continue its work under the Optional Protocol to the Convention, and review its working methods, including the option of meeting in parallel working groups for consideration of periodic reports (see CEDAW/C/2004/I/4 and Add.1 and 2). The Committee was planning to adopt general recommendation No. 25 with regard to article 4, paragraph 1, of the Convention, on temporary special measures. In accordance with its tradition and practice, the Committee would meet with non-governmental organizations and with representatives of entities of the United Nations system to hear information about the implementation of the Convention in the reporting States. The Director assured the Committee of the full support of the Division for the Advancement of Women in its work.

## C. Attendance

22. All twenty-three members of the Committee attended the thirtieth session.

23. A list of the members of the Committee, indicating the duration of their terms of office, will appear in annex V to the final report.

## D. Solemn declaration

24. At the 629th meeting, before assuming her functions, Dorcas Ama Frema Coker-Appiah, who had been nominated by her Government and approved by the Committee, in accordance with article 17.7 of the Convention, to complete the remainder of the term of office of Akua Kuenyehia, made the solemn declaration provided for under rule 15 of the Committee's rules of procedure.

## E. Adoption of the agenda and organization of work

25. The Committee considered the provisional agenda (CEDAW/C/2004/I/1) at its 629th meeting. The agenda was adopted as follows:

1. Opening of the session.
2. Solemn declaration by a new member of the Committee.
3. Adoption of the agenda and organization of work.
4. Report of the Chairperson on activities undertaken between the twenty-ninth and the thirtieth sessions of the Committee.
5. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
6. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.
7. Ways and means of expediting the work of the Committee.
8. Activities of the Committee under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
9. Provisional agenda for the thirty-first session.
10. Adoption of the report of the Committee on its thirtieth session.

## F. Report of the pre-session working group

26. At its ninth session, the Committee decided to convene a pre-session working group for five days prior to each session to prepare lists of issues and questions relating to the periodic reports that would be considered by the Committee at the subsequent session. The pre-session working group for the thirtieth session of the Committee met from 21 to 25 July 2003.

27. The following members, representing different regional groups, participated in the working group: Huguette Bokpe Gnacadja (Africa), Aída González (Latin America and the Caribbean), Salma Khan (Asia), Dubravka Šimonovic (Eastern Europe) and Regina Tavares da Silva (Western Europe). The pre-session working group elected Ms. González as its Chairperson.

28. The working group prepared lists of issues and questions relating to the reports of the following States parties: Belarus, Ethiopia, Germany, Kyrgyzstan, Nepal and Nigeria.

29. At the 629th meeting, Ms. González introduced the report of the pre-session working group (see CEDAW/PSWG/2004/I/CRP.1 and Add.1-6 and CRP.2 and Add.1-5).

## G. Organization of work

30. At the 629th meeting, the Chief of the Women's Rights Section of the Division for the Advancement of Women introduced item 6, implementation of article 21 of the Convention, and item 7, ways and means of expediting the work of the Committee. Under item 6, two specialized agencies, namely the Food and Agriculture Organization of the United Nations, and the United Nations Educational, Scientific and Cultural Organization had submitted reports in accordance with article 22 of the Convention (CEDAW/C/2004/I/3 and Add.1 and 3). The text of a revised draft general recommendation on article 4, paragraph 1, of the Convention, prepared by the Committee's drafting group was available to members of the Committee (CEDAW/C/2004/I/WP.1). Under item 7, a report on ways and means of expediting the work of the Committee (CEDAW/C/2004/I/4) summarized relevant developments since the Committee's previous session. Addendum 1 to that report contained an overview of the Committee's current working methods. Addendum 2 responded to the Committee's request to prepare, for discussion at the thirtieth session, a note on the implications and possible modalities of the consideration of reports of States parties in two parallel working groups or chambers. Also before the Committee was a report on the status of submission of reports by States parties under article 18 of the Convention, including a list of reports that had been submitted but not yet considered by the Committee. Those matters would be taken up by the Committee as a Working Group of the Whole.

31. At the 629th meeting, the Chairperson of the Commission on the Status of Women, Kyung-wha Kang (Republic of Korea), addressed the Committee.

32. At the 642nd meeting, on 22 January 2004, the Chief of the Treaties and Commission Branch of the Office of the United Nations High Commissioner for Human Rights, Maria Francisca Ize Charrin, addressed the Committee. She provided an update on recent developments, including the restructuring of the servicing of Geneva-based treaty bodies; work under way in follow-up to the recommendations of the second inter-committee meeting and the meeting of chairpersons of human rights treaty bodies concerning an expanded core document and targeted reports; and activities undertaken by the Office of the High Commissioner.

33. The Committee met in closed meeting on 29 January 2004 with Yakin Erhïrk, Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences.

# Chapter III

## Report of the Chairperson on the activities undertaken between the twenty-ninth and thirtieth sessions

34. The Chairperson of the Committee, Feride Acar, thanked Mr. Ocampo, Ms. King and Ms. Hannan for their opening statements. She extended a warm welcome to Dorcas Ama Frema Coker-Appiah, who would be completing the term of office of Akua Kuenyehia, who had been elected to the International Criminal Court.

35. The Chairperson briefed the Committee on her attendance at the fifty-eighth session of the General Assembly, in October 2003, when she addressed the Third Committee. The participation of the Committee Chairperson in the work of the General Assembly constituted an important element in linking the work of the treaty Committee with the political processes of the United Nations. It was an important reaffirmation that policy and treaty-based approaches to gender equality and the advancement of women must go hand in hand for true and sustainable progress to be achieved. As the goal of universal ratification of the Convention remained to be achieved, the annual participation of the Committee Chairperson in the Assembly was a much-needed reminder for all States parties of commitments to universal ratification, by the year 2000, of the Convention. Member States had agreed to that goal at the World Conference on Human Rights, held in Vienna in 1993, and reaffirmed it at the Fourth World Conference on Women, held in Beijing in 1995.

36. The Chairperson indicated that she had briefed the General Assembly about the work of the Committee under article 18 of the Convention, and had noted some of the common trends and challenges the Committee had identified during the consideration of reports and the Committee's recommendations thereon. She had referred to the Committee's concern about the status of women's human rights, as enshrined under the Convention, in the post-war era in Iraq, a State party to the Convention. She had informed the Assembly about the Committee's concern in relation to the non-reporting by States parties, and the steps taken by the Committee to address those delays, including her letter to those 29 States parties whose initial reports were five years overdue on 18 July 2003, and her letter to the Administrator of the United Nations Development Programme to encourage him to support States parties in the implementation of their reporting obligations. She had highlighted before the Assembly the Committee's continuing commitment to enhancing its working methods, including the Committee's decision to examine, at its thirtieth session, the option of considering periodic reports in parallel working groups rather than in plenary meeting.

37. The Chairperson drew the attention of the Committee to the fact that a total of 33 States parties were awaiting consideration of their reports. Since the closing of the twenty-ninth session in July 2003, 14 States had submitted their reports. That number was sufficient to fill sessions until January 2006, not taking into account additional reports that would be received. Reporting States parties would have to wait an average of two to two-and-a-half years after submission for their reports to be considered by the Committee, and the Chairperson underlined the potentially discouraging impact of that lag on State party reporting.

38. Turning to other activities, the Chairperson reported that, in October 2003, she had briefed a group of parliamentarians in a day-long session on the Convention and

its reporting process that had been organized by the Division and the Inter-Parliamentary Union in Geneva. The Handbook for Parliamentarians was being translated into the other official languages of the United Nations. It had been translated into Turkish and would be launched shortly in Ankara.

39. The Chairperson had delivered a keynote address at the meeting held in Dubrovnik on the implementation of the Convention in six countries of Central and Eastern Europe (see para. 19 above). She commended Ms. Šimonovic who, together with Ms. Popescu and Ms. Morvai, had conceptualized the meeting itself, as well as the preparatory work that had been undertaken at the national level in the six participating countries. The meeting in Dubrovnik had been a gratifying experience as it had provided a platform for an effective review and evaluation of some provisions of the Convention, and had constituted an example of cooperation among the different United Nations entities (the Committee on the Elimination of Discrimination against Women, the Division for the Advancement of Women and UNIFEM) mandated to address women's human rights and the advancement of women at various levels. She congratulated the organizers and the participants for the success of the effort and looked forward to similar activities in other regions towards ensuring the full implementation of the Convention. The Chairperson expressed her hope that the results of the Dubrovnik meeting would now form a solid basis for an institutional framework for continuing attention to the Convention and its implementation in the six participating countries.

40. In her personal capacity, the Chairperson had participated in, and delivered the keynote addresses in symposiums entitled "Policy dialogue on gender equality 2003", organized by the Gender Equality Bureau of the Cabinet Office of Japan, and held in Tokyo and Okiyama. In the wake of the consideration of Japan's fourth and fifth periodic reports by the Committee in July 2003, the occasion had been a timely and effective opportunity to discuss women's human rights from a global perspective and review international commitments and national action in the presence of large groups of participants from both Government and civil society in Japan. She was gratified to observe that the provisions of the Convention and the work of the Committee were held in high esteem and helped provide guidelines for efforts to achieve gender equality in Japan.

41. The Chairperson had also participated in a two-day brainstorming session convened by Ms. Ertürk, Special Rapporteur on violence against women, in Istanbul, on 7 and 8 December 2003, which had brought together representatives of several non-governmental organizations. The participation of representatives of the Office of the United Nations High Commissioner for Human Rights, UNIFEM and the Division for the Advancement of Women in that meeting had been an important reflection of the commitment on the part of those three entities to support the mandate of the Special Rapporteur, especially at a time of notable difficulties in finding consensus at the global level for further policy development in relation to violence against women. Her own participation had allowed her to bring to the discussion the critical work done by the Committee in relation to violence against women and to highlight some of the challenges the Committee had identified through its work. The Special Rapporteur had accepted her invitation to meet with the Committee during the thirtieth session.

42. Once the Loya Jirga in Afghanistan had adopted a new Constitution which included an explicit guarantee of the equal rights of women and men, the

Chairperson had issued a statement to the press applauding that historic achievement, and pledging support to ensure the full and effective implementation of the Convention in Afghanistan.

43. The year 2004 would mark the twenty-fifth anniversary of the adoption by the General Assembly of the Convention. The occasion should be used to convey to the international community the achievements in protecting and promoting women's human rights and the obstacles that still lay ahead before reaching the goal of universal implementation of the principles of the Convention. Likewise, it should be used to enhance the voice and visibility of the Committee as the legally mandated international "watchdog" of women's human rights. On the basis of preliminary consultations with the secretariat, plans would be made for an international event to commemorate the twenty-fifth anniversary of the Convention during the fifty-ninth session of the General Assembly, in October 2004.

# Chapter IV

## Consideration of reports submitted by States parties under article 18 of the Convention

### A. Introduction

44. At its thirtieth session, the Committee considered the reports of eight States parties submitted under article 18 of the Convention: the combined initial and second periodic report of one State party; the combined initial, second, third, fourth, fifth and sixth periodic report of one State party; the second periodic report of one State party; the combined second and third periodic report of one State party; the combined fourth and fifth periodic reports of two States parties; the combined fourth, fifth and sixth periodic report of one State party; and the fifth periodic report of one State party.

45. The Committee prepared concluding comments on each of the States parties' reports considered. The Committee's concluding comments, as prepared by members of the Committee, and a summary of the introductory presentations by the representatives of the States parties are set out below.

### B. Consideration of reports of States parties

#### 1. Combined initial and second periodic report

**Kuwait**

46. The Committee considered the combined initial and second periodic report of Kuwait (CEDAW/C/KWT/1-2) at its 634th, 635th and 643rd meetings, on 15 and 23 January 2004 (see CEDAW/C/SR.634, 635 and 643).

**Introduction by the State party**

47. In introducing her country's combined initial and second periodic report, the representative of Kuwait stated that her Government had acceded to the Convention on the Elimination of All Forms of Discrimination against Women in 1994. The report highlighted the general, legal, social, economic and political framework and the policy of the State towards the elimination of discrimination against women as well as the constitutional and legislative provisions relating to the articles of the Convention.

48. The representative noted that some challenges to the elimination of discrimination against women remained, for example in regard to women's enjoyment of full political rights. His Highness the Amir had attempted to remedy that situation by the adoption of an Amiri Decree in May 1999, which was, however, subsequently defeated in the National Assembly by a very slim margin. In order to rectify that situation, the Government had recently announced its intention to present, during the current legislative session, legislation that would grant women their full political rights.

49. A multitude of mechanisms had been created to guarantee women the full enjoyment of their fundamental freedoms and rights. The representative noted in particular the higher centre for children and family, the Cabinet women's centre, the

maternal and child centre and the division for family and women's affairs. Several grass-roots movements, institutions and non-governmental organizations also endeavoured to safeguard and promote the rights of women. Their activities covered women's issues as well as social and humanitarian concerns. Several civil society organizations had provided humanitarian assistance for women in countries in the region.

50. The representative drew attention to the high level of human development of Kuwait. Recent reports indicated a low infant mortality rate of 9 per 1,000, and a maternal mortality rate of 5 per 100,000. According to the *Arab Human Development Report 2003*, 67 per cent of students in higher education were female. In 1995, the illiteracy rate stood at 11 per cent, down from 50.5 per cent in 1980. In 2002, women's participation in the economy stood at 36 per cent, without counting the informal sector.

51. Particular attention was devoted in the national law to the situation of female civil servants in special situations. For example, the law provided for leave with full pay to care for a sick child. Leave with full pay of up to one year or more was granted to the mother or wife of a captive or missing person.

52. Notwithstanding those achievements, certain shortcomings could be found in regard to the full implementation of all provisions of the Convention. They were addressed in an evolutionary process that took into account the country's cultural nuances and constitutional processes.

53. The representative noted that the issue of prisoners of war was a major concern at the national level. Within that framework, the Government of Kuwait had presented to the General Assembly at its fifty-eighth session a draft resolution on the treatment of female prisoners of war, in order to achieve further protection of female prisoners of war and hostages under international law. The Government hoped for a successful outcome for that initiative at a future session of the Assembly.

54. In conclusion, the representative noted that the report had been prepared in accordance with the Committee's guidelines. She expressed regret that, owing to exceptional circumstances, the report had had to be presented by representatives from the Permanent Mission of Kuwait to the United Nations. She looked forward to the Committee's comments on the combined initial and second periodic report of Kuwait.

## Concluding comments of the Committee

### Introduction

55. The Committee commends the State party for its combined initial and second periodic report, which complies with the Committee's guidelines for the preparation of initial reports.

56. The Committee notes that reservations have been made by the State party to article 7 (a), article 9, paragraph 2, and article 16 (f) of the Convention.

### Positive aspects

57. The Committee notes with satisfaction that the Convention has been published in the Official Gazette, thus giving it the force of national law. It also notes the efforts made in 1999, through an Amiri Decree, to grant women their full political rights.

58. The Committee commends the establishment of institutional mechanisms for the advancement of women. The Committee also notes the existence, within the National Assembly, of a standing committee on human rights, which is tasked with, inter alia, studying and proposing amendments to national legislation to guarantee and safeguard human rights.

59. The Committee commends the progress made in reducing the rate of female illiteracy in Kuwait. The Committee also commends the high level of education attained by girls and women in Kuwait and the high enrolment rates of girls and women at all levels of education.

### Principal areas of concern and recommendations

60. The Committee expresses concern at the reservations entered by the State party to article 7 (a), article 9, paragraph 2, and article 16 (f) of the Convention. While welcoming the State party's stated intention to introduce legislation during the current legislative period that is expected to create the conditions for the withdrawal of the reservation to article 7 (a), the Committee is concerned at the failure of the State party to ensure that women have, on equal terms with men, the right to vote in all elections and public referendums, and to be eligible for election to all publicly elected bodies. The Committee considers the lack of political rights of women a very serious limitation of their rights, which also has a significant negative impact on women's enjoyment of other rights protected under the Convention.

61. **The Committee calls upon the State party to take all necessary steps, as a matter of the utmost urgency, to introduce and actively support the adoption of legislation to amend the discriminatory provisions of the Electoral Law in line with the constitutional guarantee of equality and in order to ensure compliance with the Convention. The Committee encourages the State party to expedite the necessary steps for the withdrawal of its reservation to article 7 (a) of the Convention, which it believes to be contrary to the object and purpose of the Convention. The Committee draws the State party's attention to its general recommendation 23, on women in political and public life. The Committee also calls upon the State party to expedite the necessary steps for the withdrawal of its reservations to article 9, paragraph 2, and article 16 (f) of the Convention. The Committee draws the State party's attention to its general recommendation 21, on equality in marriage and family relations. The Committee requests the State party to provide, in its next report, comprehensive information on the effect of its reservations on the implementation of the provisions of the Convention and the situation of women in Kuwait, and in this regard, draws attention to its statement on reservations[1] and its guidelines for the preparation of reports.**

---

[1] See *Official Records of the General Assembly, Fifty-third Session, Supplement No. 38* (A/53/38/Rev.1), part two, chap. I, sect. A.

62. The Committee is concerned that, although the Constitution of Kuwait embodies the principles of the Convention, there is a lack of clarity with regard to the primacy of the Convention over conflicting or contradictory national laws, and the direct applicability and enforceability of the Convention in Kuwaiti courts.

63. **The Committee requests the State party to ensure the primacy, direct applicability and enforceability of the Convention within the national legal framework of Kuwait. The Committee recommends that the State party launch a comprehensive programme of dissemination, education and training on the Convention, in particular for government officials and legislators, as well as judicial officers, including law enforcement officials and the judiciary, and for civil society and the public at large with a view to ensuring that the provisions of the Convention are known and implemented in Kuwait.**

64. The Committee, while noting that general principles of equality and non-discrimination are guaranteed in articles 7 and 29 of the Constitution and contained in domestic legislation, is concerned at the lack of specific definitions of discrimination against women, in national law, in accordance with article 1 of the Convention.

65. **The Committee calls on the State party to take urgent steps to incorporate the definition of discrimination against women as contained in article 1 of the Convention in its national legislation.**

66. The Committee expresses concern at the continuing existence of de jure discrimination against women in various laws, including the Nationality Act, the Personal Status Act, the Civil Code and the Private Sector Employment Act. In particular, the Committee is concerned that the Nationality Act allows Kuwaiti women to transfer their nationality to their children only in specific circumstances, such as when the nationality of the father is unknown or if he is stateless or deceased, or after an irrevocable divorce. The Committee is also concerned that provisions in the Personal Status Act and the Civil Code establish different rights and responsibilities for women and men in issues related to marriage and family relations, including in regard to the minimum age of marriage for women and men; divorce; and guardianship of children.

67. **The Committee calls upon the State party to undertake a comprehensive review of all existing laws, including the Nationality Act, and to amend or repeal discriminatory provisions so as to ensure compliance with the provisions of the Convention. The Committee urges the State party to raise the minimum age of marriage for women and men to 18 years, in line with the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.**

68. While commending the progressive development of the national machinery for the advancement of women in Kuwait, the Committee is concerned at the lack of clarity regarding the mandate and responsibilities of the existing institutions, in particular with regard to the coordination of gender equality initiatives across all sectors of Government, and the human and financial resources available to such institutions. The Committee is also concerned at the lack of a comprehensive and coordinated strategy to promote gender equality and to ensure the integration of gender perspectives at all levels and in all areas of legislative and policy development.

69. **The Committee requests the State party to clarify, in its next report, the mandate and responsibilities of the various components of the national machinery, coordination among them, and the resources allocated to them. The Committee urges the State party to ensure that the national machinery involves more women at the decision-making level and is provided with adequate visibility, power and resources to effectively promote the advancement of women. The Committee also recommends that the State party develop, adopt and implement, at the national level, a comprehensive and coordinated plan of action to promote gender equality and to ensure gender mainstreaming at all levels and in all areas.**

70. The Committee is concerned about the persistence of traditional stereotypes regarding the role and responsibilities of women and men in the family and in society at large, and the reflection of such stereotypes in legislation, policies and programmes.

71. **The Committee urges the State party to design, implement and strengthen comprehensive awareness-raising measures to foster a better understanding of equality between women and men, at all levels of society, with a view to eradicating traditional stereotypes regarding the role and responsibilities of women and men in the family and society. It also recommends that the State party encourage the media to promote cultural changes with regard to the roles and responsibilities attributed to women and men, as required by article 5 of the Convention.**

72. The Committee expresses its concern at the lack of diversified employment opportunities for women despite the high level of education attained by girls and women in all areas. The Committee notes with concern that restrictions on women's employment, as well as protective employment legislation, policies and benefits for women, perpetuate traditional stereotypes regarding women's roles and responsibilities in public life and in the family.

73. **The Committee urges the State party to increase its efforts towards accelerating the achievement of de facto equal opportunities for women and men in the area of employment through, inter alia, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention, and general recommendation 25. The Committee recommends that measures be taken to promote change concerning the stereotypical expectations of women's roles and to promote the equal sharing of domestic and family responsibilities between women and men.**

74. The Committee expresses its concern at the lack of detailed information and statistical data on women's representation, particularly in decision-making positions, in various areas of public life, including in law enforcement, the judiciary and the diplomatic corps.

75. **The Committee requests that the State party provide such information in its next report. The Committee also recommends that the State party take measures to increase the representation of women in all areas of public life, including at the decision-making level, and in law enforcement, the judiciary and the diplomatic corps, through the use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, and general recommendation 25, as well as general recommendation 23. The Committee**

**encourages the State party to undertake and support awareness-raising programmes on the importance of women's representation, in particular at decision-making levels, in all areas of public life.**

76. In view of the fact that the number of non-Kuwaiti nationals exceeds the number of Kuwaiti citizens in Kuwait, the Committee is concerned at the lack of information and statistical data on the situation and legal status of non-Kuwaiti women, including domestic migrant workers, in particular with regard to their employment conditions and socio-economic benefits, as well as enjoyment of their rights to education and health.

77. **The Committee requests the State party to provide, in its next report, detailed information and statistical data on the situation of non-Kuwaiti women, in particular with regard to education, health and employment. The Committee also requests information about the availability of services and programmes for protecting women domestic migrant workers from violence and abuse and the availability of legal and administrative remedies. The Committee also requests information on steps taken to inform women migrant workers about the availability of such services and remedies.**

78. The Committee expresses concern at the lack of information about the prevalence and forms of violence against women and girls, including domestic violence, and about the programmes and services available to victims of violence.

79. **The Committee requests the State party to recognize that violence against women constitutes a violation of the human rights of women under the Convention. It urges the State party to undertake the systematic collection of sex-disaggregated data on all forms of violence against women, including domestic violence, as well as research into the extent and root causes of such violence, including against women migrant workers and non-Kuwaiti women, and to provide such information in its next report. In the light of general recommendation 19, the Committee calls upon the State party to ensure that all forms of violence against women and girls are prosecuted and punished promptly and that victims have immediate means of redress and protection. The Committee requests the State party to take measures to fully sensitize public officials, especially law enforcement officials, the judiciary and health-care providers, and to train them to handle such situations adequately. The Committee invites the State party to undertake awareness-raising measures aimed at the public at large to make such violence socially and morally unacceptable.**

80. **The Committee encourages the State party to enhance collaboration and coordination with civil society organizations, in particular women's associations, to strengthen implementation of the provisions of the Convention, and to engage in consultations with such organizations when preparing its next report.**

81. **The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

82. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under**

**article 18 of the Convention. The Committee invites the State party to submit its third periodic report, which was due in 2003, and its fourth periodic report, due in 2007, in a combined report in 2007.**

83. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing, the Committee requests the State party to include in its next periodic report information on the implementation of aspects of those documents relating to relevant articles of the Convention.**

84. **The Committee requests the wide dissemination in Kuwait of the present concluding comments in order to make the people, in particular government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in this regard. The Committee requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

## 2. Combined initial, second, third, fourth, fifth and sixth periodic report

### Bhutan

85. The Committee considered the combined initial, second, third, fourth, fifth and sixth periodic report of Bhutan (CEDAW/C/BTN/1-3 and CEDAW/C/BTN/1-6/Corr.1) at its 636th and 642nd meetings, on 16 and 22 January 2004 (see CEDAW/C/SR.636 and 642).

### Introduction by the State party

86. In introducing the report, the representative of Bhutan described the country's significant progress since the inception of planned economic development in 1961, characterized by equitable socio-economic progress, the establishment of a democratic framework of governance and preservation of the country's rich cultural heritage and environment. In 1998, the legislative, executive and judicial branches of government had been separated and executive powers had been devolved from the King to an elected Council of Ministers. A constitution was currently being drafted to provide a long-term institutional framework for political, legal, social and economic governance.

87. The representative noted that since the ratification of the Convention in 1981, without reservations, the Government had taken consistent steps to progressively comply with the Convention and its reporting obligations. It had strengthened its institutional capacity for preparation of reports, including establishment of the

Office of Legal Affairs, the International Conventions Division of the Ministry of Foreign Affairs and the National Commission for Women and Children. A committee and a forum of gender focal points in various ministries under the leadership of the Planning Commission Secretariat had also been created to monitor the implementation of the Convention.

88. In the preparation of the report before the Committee, the first-ever baseline gender pilot study had been completed in 2001, and three studies, on health, education, and water and sanitation, had also been undertaken. Workshops and consultations had been held involving government focal points, representatives from United Nations agencies and stakeholders from civil society. The Convention and the updated summary of the report had been translated into the local languages and disseminated to the population to raise awareness of gender issues.

89. A number of laws had been adopted prior to and following the ratification of the Convention in 1981. The General Law of 1957 had guaranteed women equality before the law and the Inheritance Act of 1980 had guaranteed women rights to land and property. Other laws included the Marriage Act of 1980 and its amendment of 1996 on equality in marriage and family life, and the Police Act of 1980 and Prison Act of 1982 protecting the rights of women serving prison sentences. The Rape Act of 1996 was being incorporated into the draft Penal Code; it protected women against sexual abuse and provided for severe financial penalties and prison sentences for offenders. Trafficking in women was prohibited, and Bhutan had ratified, in 2003, the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.

90. Since 1961, there had been significant improvements in women's health, education and employment. Given the significant growth in the number of hospitals, health units and indigenous treatment centres providing free access to health services, maternal mortality had been significantly reduced. Girls accounted for 47 per cent of the total enrolment as a result of the Government's focus on promoting girls' education. Women had also overwhelmingly benefited from non-formal education programmes.

91. No formalized gender bias existed in employment, women increasingly owned and ran businesses, and labour policies ensured equal wage rates. Women enjoyed equal opportunities and pay in the civil service and made up 40 per cent of participants in vocational training institutes. There was no distinct division of labour between women and men in most rural areas, and women and men shared domestic and agricultural work equally.

92. Turning to women in decision-making positions, the representative noted that women now made up 26 per cent of the civil service. In 2003, two women had been appointed as Foreign Secretary and Finance Secretary. Their Majesties the Queens had become very actively engaged in international and regional forums. While women were well represented in public village meetings, their participation in elections for public office remained low. A total of 12 of the 100 elected people's representatives to the National Assembly and 1 of the 6 Royal Councillors were women.

93. In concluding, the representative highlighted challenges to the full achievement of the goals of the Convention. They included the need to eradicate

indirect forms of gender bias existing within the society or emerging as a consequence of change. Despite equal opportunities and entitlements, and the equal legal status of women and men, differences remained in women's access to education, enterprise development and governance, also influenced by societal perceptions that women were weaker and more vulnerable. The process of modernization, the subsequent shifts in traditional roles and responsibilities, changes in value systems and transformation of family patterns also necessitated continuing change in regard to women's rights and legal remedies. The representative assured the Committee of Bhutan's commitment to the full implementation of the Convention.

### Concluding comments of the Committee

#### Introduction

94. The Committee commends the State party for ratifying the Convention without reservations, and expresses its appreciation to the State party for its combined initial, second, third, fourth, fifth and sixth periodic report, while regretting the fact that the report was long overdue and does not fully comply with the Committee's guidelines for the preparation of initial reports.

95. The Committee congratulates the State party for its high-level delegation headed by the Minister for Labour and Human Resources. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

#### Positive aspects

96. The Committee welcomes the significant progress achieved by the State party from 1984 to 2000 in improving the welfare of its people, including its women, such as a decrease in maternal mortality from 7.7 to 2.5 per 1,000 live births.

97. The Committee welcomes the political commitment expressed by the State party during the constructive dialogue to fully implement the provisions of the Convention and to further improve the progress achieved so far in some areas.

98. The Committee commends the commitment made by the State party to make it mandatory for the recently restructured and strengthened National Statistical Bureau as an autonomous body to collect data disaggregated by sex.

#### Principal areas of concern and recommendations

99. The Committee is concerned that existing legislation does not contain a specific definition of discrimination against women in accordance with article 1 of the Convention, which prohibits both direct and indirect discrimination.

100. **The Committee urges the State party to take full advantage of the ongoing process of elaborating a constitution to include the principle of equality between women and men, as well as a definition of discrimination against women, in the draft Constitution. The Committee recommends that, in drafting its Constitution, the State party also be guided by other International human rights instruments. The Committee calls on the State party to adopt its draft Constitution in an expeditious manner.**

101. The Committee is concerned that, in the event of conflict between the international conventions to which Bhutan is a party and domestic legislation, domestic law may prevail.

102. **The Committee recommends that the State party incorporate in the Constitution the primacy of international conventions to which Bhutan is a party over domestic law in case of conflict. The Committee also recommends that the State party under all circumstances undertake awareness-raising and sensitization of the judiciary and other law enforcement authorities about the Convention.**

103. The Committee notes with concern the lack of specific information concerning the mandate and the human and financial resources of the existing national machinery for the advancement of women.

104. **The Committee recommends that the State party strengthen the existing national machinery, clarify its mandate and provide it with adequate decision-making power and human and financial resources to work effectively for the promotion of women's human rights at all levels, and enhance coordination among the existing mechanisms for the advancement of women and the promotion of gender equality, including the Planning Commission and the National Statistical Bureau. It also urges the State party to ensure that the National Commission for Women and Children becomes fully functional and is guided in its work by the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child to ensure full promotion and protection of the rights of women and girls.**

105. The Committee expresses concern that policies and programmes are mostly gender neutral and that they were formulated without attention to gender perspectives and to discrimination and inequality faced by women and girls.

106. **The Committee urges the State party to mainstream gender perspectives when formulating and implementing policies and programmes, as well as in monitoring and assessing progress achieved. It also urges the State party to implement policies and programmes specifically addressed to women and girls, including the next five-year plan for women, 2006-2010, in order to accelerate the achievement of substantive equality. It urges the State party to apply temporary special measures according to article 4, paragraph 1, of the Convention and general recommendation 25, inter alia, in the education, employment and professional fields, in order to accelerate the progress in achieving gender equality.**

107. The Committee, while welcoming the progress in promoting women's political participation and noting that several women hold high ministerial posts, expresses concern at the low representation of women in decision-making bodies in the various areas and levels of political and public life.

108. **The Committee recommends that the State party adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention and in the light of general recommendations 23 and 25, to increase the number of women at national and local decision-making levels in government, governmental bodies and public administration, provide targeted training programmes for women, and conduct, on a regular basis, awareness-raising**

**campaigns to encourage women to participate in public life in decision-making positions.**

109. The Committee is concerned about the lack of special policies and programmes to promote equal employment opportunities for women in the country. It is also concerned that the national labour legislation currently in preparation recognizes "equal pay for equal work" but not "equal pay for work of equal value".

110. **The Committee recommends that the State party implement targeted policies and programmes, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in order to increase the number of women in the formal work force. It also urges the State party to ensure that the draft Labour Act also takes into account the right to "equal pay for work of equal value" and contains provisions to facilitate women's access to justice in instances of discrimination.**

111. The Committee, while welcoming the preparation of the 2001 baseline gender pilot study to collect gender-disaggregated data, and the commitment to make the collection of such data mandatory, expresses concern about the insufficient sex-disaggregated statistical data in the report in the areas covered by the Convention.

112. **The Committee recommends the systematic and comprehensive compilation and a thorough analysis of sex-disaggregated data on the situation of women in all areas covered by the Convention, and specifically various aspects of the situation of rural women.**

113. While welcoming the significant progress achieved in the increase in the enrolment rate in primary education, where girls now constitute 45 per cent of the enrolled students, the Committee is concerned about the low participation of girls and women in secondary and tertiary education, including in technology- and science-related courses.

114. **The Committee encourages the State party to continue its efforts to close the gender gap in primary education and to take all necessary measures to increase the number of women in secondary and tertiary education in the country, including in technology- and science-related courses, in order to ensure that girls and women are accorded an equal opportunity to study, develop and benefit from science and technology. It also urges the State party to ensure that women have equal access with men to governmental loans and scholarships for pursuing higher education abroad.**

115. While acknowledging that several traditional perceptions and practices in Bhutan favour women, including with regard to inheritance, the Committee remains concerned that some traditions and stereotyped views in the country may be discriminatory of women and girls, and perpetuate sex-specific roles and responsibilities in some spheres of life. The Committee expresses concern at the continuing existence of polygamy in Bhutan.

116. **The Committee urges the State party to analyse existing traditions and stereotyped views in order to assess their impact on gender equality. It recommends that policies be developed and programmes be directed at men and women to support the elimination of stereotypes associated with traditional roles in the family, the workplace, and society at large, and to prevent the emergence of new stereotypes that are discriminatory against women. It also**

**recommends that the media be encouraged to project a positive image of women and of the equal status and responsibilities of women and men both in the public and private spheres. The Committee recommends action by the State party to end the practice of polygamy, in accordance with the Committee's general recommendation 21, on equality in marriage and family relations.**

117. Noting that the overwhelming majority of women live in rural areas, the Committee is concerned about their situation, in particular with regard to their access to education and vocational training. It is particularly concerned about the continuing high rates of illiteracy among rural women, and about their limited representation in rural leadership positions and limited participation in agricultural and animal husbandry training programmes.

118. **The Committee urges the State party to ensure that the rights, needs and concerns of rural women are given greater attention and visibility, and that rural women participate fully in the formulation and implementation of all sectoral policies and programmes. It also recommends that the State party ensure that rural women and girls have full access to education and vocational training in the areas where they live.**

119. While recognizing progress made in the area of women's health, the Committee expresses concern about the lack of a holistic and life-cycle approach to women's health.

120. **The Committee calls upon the State party to increase the access of women and adolescent girls to affordable health-care services, including reproductive health care, and to increase access to affordable means of family planning for women and men. It also calls upon the State party to step up its efforts to implement awareness-raising campaigns targeting women and men on the importance of family planning and related aspects of women's health and reproductive rights.**

121. The Committee is concerned that no specific legislation has been enacted to combat domestic violence and sexual harassment in the workplace, and that there is a lack of systematic data collection on violence against women, in particular domestic violence.

122. **The Committee urges the State party to ensure the full implementation of all legal and other measures relating to the elimination of violence against women, to systematically monitor the impact of those measures and to provide women victims of violence with accessible and effective means of protection, redress and recovery. In the light of its general recommendation 19, the Committee requests the State party to enact legislation on domestic violence and sexual harassment as soon as possible. The Committee also urges the State party to accelerate the adoption of the draft Bhutan Penal Code, which recognizes marital rape as a crime; to devise a structure for systematic data collection on violence against women, including domestic violence, disaggregated by sex; and to step up its efforts to provide comprehensive training to the judiciary, police, medical personnel and other relevant groups on all forms of violence against women.**

123. The Committee, while appreciating the State party's ratification in 2003 of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, is concerned that no information has been provided in the

report on the extent of trafficking in women and girls, or on measures taken to prevent and combat that phenomenon in the country.

124. **The Committee recommends that the State party increase efforts at cross-border and international cooperation to prevent and combat trafficking in women and girls. It urges the State party to collect data and to provide information in its next report on the extent of trafficking in women and girls, as well as measures to prevent and combat trafficking.**

125. The Committee is concerned about the practice of common-law marriages, which allows girls to be married at 15 years of age, while the statutory age of marriage is 18. It is also concerned about the fact that restrictive citizenship laws might prevent women from freely choosing a spouse.

126. **The Committee urges the State party to eliminate the practice of common-law marriages and ensure that marriages are contracted under the 1980 Marriage Act, amended in 1996, which raised the legal age for marriage to 18 years for both sexes so as to comply with article 16 (b) of the Convention, requiring free and full consent to enter into marriage. The Committee also urges the State party to take all appropriate measures to end the practice of forced marriages. The Committee recommends that the State party amend its citizenship and nationality laws to bring them into conformity with article 9 of the Convention.**

127. The Committee is concerned about the situation of ethnic Nepalese women who lost their Bhutanese citizenship following the enactment of the 1985 Citizenship Act and now live in refugee camps in Nepal. It is also concerned about the situation of girls born of Bhutanese parents in refugee camps who can obtain naturalization only after the age of 15 years.

128. **The Committee urges the State party to step up its efforts to conduct negotiations with the Government of Nepal, and to collaborate with the Office of the United Nations High Commissioner for Refugees, in order to find a prompt, just and durable solution to the situation of Bhutanese women and girls living in refugee camps in Nepal, including the possibility of return to Bhutan for those Bhutanese women who wish to do so.**

129. **The Committee urges the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

130. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report due in 2006, under article 18 of the Convention.**

131. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Second World Assembly on Ageing, the Committee requests the State party to include in its**

**next periodic report information on the implementation of aspects of those documents relating to relevant articles of the Convention.**

132. **The Committee requests the wide dissemination in Bhutan of the present concluding comments in order to make the people of Bhutan, in particular government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".**

### 3. Second periodic report

#### Kyrgyzstan

133. The Committee considered the second periodic report of Kyrgyzstan (CEDAW/C/KGZ/2 and Add.1) at its 632nd and 633rd meetings, on 14 January 2004 (see CEDAW/C/SR.632 and 633).

#### Introduction by the State party

134. In her introduction, the representative of Kyrgyzstan stated that the second periodic report provided a realistic picture of the implementation of the Convention in the country. The strengthening of legislation and of national mechanisms to improve the status of women were cited as major achievements. Attention was drawn to the Kyrgyz law on the bases for State guarantees of gender equality, adopted in 2003, which ensured equal rights and opportunities for women in all areas; the national programme on human rights for the period 2002-2010, and the national plan of action for achieving gender equality for the period 2002-2006. Kyrgyzstan had ratified more than 30 international human rights instruments, including, in 2002, the Optional Protocol to the Convention.

135. Women in decision-making positions remained a priority for the Government, and the representative highlighted the underrepresentation of women in legislative and executive bodies. A presidential decree on the further improvement of the framework policy for recruiting women leaders for the State administration of Kyrgyzstan was issued in August 2002. Gender quotas in appointments to the Constitutional Court, the Supreme Court, the Central Commission on Elections and Referendums and the Auditing Chamber of Kyrgyzstan were stipulated in the law on the bases for State guarantees of gender equality. The representative indicated that women were not considered a political force and were underrepresented in political parties.

136. The country's laws conferred equal rights upon women in employment. The representative conceded, however, that traditional gender divisions in the economy persisted, in particular the relegation of women and girls to less profitable occupations. Work at home was considered a major source of productive labour but was not included in calculations of the country's gross national product, and thus was not considered in entitlements to pension and other benefits.

137. The country's laws and programmes guaranteed equal rights with regard to education. The level of education of women was actually somewhat higher than that of men. The National Plan of Action for Education for All, adopted in July 2002, guaranteed free and mandatory elementary education to all children, in particular girls and children of ethnic minorities, by 2015.

138. The country's laws guaranteed equal access to medical services. Medical services for women ranged from outpatient to highly specialized hospitalization services. The representative noted that there had been a drop in infant mortality rates, although maternal mortality rates remained high. Abortion was legal and performed in State and licensed private medical institutions. Contraception was available to women of reproductive age. As of December 2003, there were 482 registered cases of HIV, of which 44 were women.

139. Various measures had been taken by the Government to address the problem of violence against women. The representative highlighted the adoption, in 2003, of the law on social and legal protection against violence in the family, which provided for temporary protection orders to be issued for victims of violence. She said that trafficking in women and children was a source of increasing concern for the Government. She described a number of legislative and programmatic measures that had been taken to address the issue, including the drafting of a proposed amendment to the Criminal Code on trafficking in individuals; the adoption of a national programme of measures to combat the illegal export of and trafficking in persons in 2002; and the establishment of a national council on the issue.

140. The representative indicated that there remained barriers to the achievement of women's equality despite the Government's efforts to improve the status and rights of women in the country. Such barriers included the growth of poverty and unemployment, a low level of social protection, the low participation of women in decision-making, and the persistence of gender stereotypes and traditions. She noted, in addition, that women were poorly informed of their rights.

141. In conclusion, the representative of Kyrgyzstan informed the Committee that its concluding comments and recommendations would become guidelines for future work on the practical achievement of gender equality in the country.

### Concluding comments of the Committee

#### Introduction

142. The Committee commends the State party for its second periodic report, which complies with the Committee's guidelines for the preparation of periodic reports, and expresses appreciation for the written replies to the issues and questions raised by the Committee's pre-session working group and for the frank oral presentation, which provided additional information on the current situation with regard to the implementation of the Convention in Kyrgyzstan.

143. The Committee commends the State party for its delegation, which was headed by the Head of the Secretariat of the National Council on Women, Family and Gender Development. The Committee appreciates the constructive dialogue held between the delegation and the members of the Committee.

144. The Committee notes with satisfaction that government action, including the national plan of action for achieving gender equality for the period 2002-2006, is placed within the context of the implementation of the Beijing Platform for Action.

145. The Committee welcomes the growing number of non-governmental organizations that play a prominent role in promoting gender equality in Kyrgyzstan.

146. The Committee welcomes the information that the State party views positively the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

### Positive aspects

147. The Committee commends the State party for enacting new laws in support of the goal of gender equality, including the law on the bases for State guarantees of gender equality, which prohibits direct and indirect gender discrimination and allows for the adoption of temporary special measures to promote de facto equality between women and men; and the law on social and legal protection against violence in the family, which provides for temporary protection orders to be issued for victims of family violence.

148. The Committee commends the State party for adopting a range of plans and programmes to address discrimination against women, including the national plan of action for achieving gender equality for the period 2002-2006; and the programme of measures to combat the illegal export of and trafficking in persons for 2002-2005. The Committee also commends the adoption of the national human rights programme for the period 2002-2010 and the establishment of the Human Rights Representative (Ombudsman), which provides a mechanism for monitoring the observance of human rights, including women's rights.

149. The Committee welcomes the initiative to open centres for gender studies at higher educational institutions.

150. The Committee welcomes the accession, in July 2002, by the State party to the Optional Protocol to the Convention.

### Principal areas of concern and recommendations

151. While noting that, in accordance with the Constitution of Kyrgyzstan, the Convention is an integral and directly applicable part of Kyrgyz law, and that a number of laws have been adopted to promote gender equality, the Committee is concerned that women have seldom, if at all, used the Convention or existing laws to challenge acts of discrimination and that there is no record of court decisions in which women have obtained redress for such acts.

152. **The Committee urges the State party to ensure that Kyrgyz law provides adequate, accessible and affordable enforcement procedures and legal remedies for violation of women's human rights. The Committee invites the State party to provide, in its next report, detailed information about complaints filed in courts on the basis of the Convention and the legal provisions on gender equality, as well as any court decisions that refer to the Convention and domestic legislation on gender equality.**

153. The Committee is concerned that the judiciary, law enforcement personnel and women in general are not familiar with the Convention or with existing laws to promote gender equality, including the law on social and legal protection against violence in the family, and the procedures for their application and enforcement.

154. **The Committee urges the State party to introduce education and training programmes on the Convention and on existing laws to promote gender equality, in particular for the judiciary, law enforcement personnel and parliamentarians. It recommends that awareness-raising campaigns targeted at women be undertaken to enhance women's awareness of their rights and to ensure that women can avail themselves of procedures and remedies for violations of their rights under the Convention and those laws.**

155. The Committee expresses concern about the situation of women in the labour market, including the concentration of women in traditional spheres of employment, in low-paying jobs and in the informal sectors; the wage differentials between women and men; women's rising unemployment rate; and the employment of women in unfavourable working conditions.

156. **The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, inter alia, temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25. The Committee urges the State party to intensify its efforts to ensure that all employment-generation programmes are gender sensitive and that women can fully benefit from all programmes to support entrepreneurship. It recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical; to narrow and close the wage gap between women and men; and to ensure that both women and men work under proper conditions of health and safety. It also recommends that effective measures allowing for the reconciliation of family and job responsibilities be strengthened and that further measures be taken to promote the sharing of domestic and family responsibilities between women and men.**

157. The Committee is concerned about the status of women's health and the deterioration of the health-care system. It is concerned about the continuing high rates of maternal and infant mortality, anaemia during pregnancy, the still high number of abortions, including among women under the age of 19, underweight girls, the increase in tuberculosis and sexually transmitted diseases among women and the problem of alcoholism and drug addiction among women. The Committee is concerned about the lack of attention to the negative impact on women of the reform of the health-care system, including with respect to the decline in the quality and accessibility of medical services and the closing down of medical institutions, where a majority of workers were women.

158. **The Committee recommends that, in accordance with general recommendation 24 on women and health, the State party fully implement a holistic, life cycle approach to women's health. It recommends that the State party strengthen measures to reduce the maternal and infant mortality rates and to address alcoholism and drug addiction among women as well as the spread of tuberculosis and other diseases among women. It urges the State party to reinforce programmes of sexual and reproductive education for both girls and boys to foster responsible sexual behaviour. The Committee urges the State party to maintain access to affordable and adequate health care, to assess**

**the impact on women of the reform of the health-care system and to take remedial action so as to ensure that the reform does not disproportionately disadvantage women.**

159. While recognizing the efforts made by the State party to address the issue of trafficking in women and girls, including amendments to the Criminal Code to include provisions on trafficking in persons and the adoption of the programme of measures to combat the illegal export of and trafficking in persons, the Committee remains concerned that the problem of trafficking in women in Kyrgyzstan continues to be serious. The Committee is also concerned at the lack of information on the exploitation of prostitution.

160. **The Committee urges the State party to intensify its efforts to combat trafficking in women and girls. It calls on the State party to ensure that victims of trafficking have adequate support and that they are not penalized. The Committee recommends the strengthening of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers. The Committee requests the State party to provide in its next report information and data on trafficking in women and girls and the exploitation of prostitution, and on the measures taken to combat the phenomena and their results.**

161. Despite the enactment of the law on social and legal protection against violence in the family and efforts to combat domestic violence, the Committee is concerned at the continuing hidden nature of domestic violence and the inadequate performance of the police in dealing with the reporting from the victims. The Committee also expresses concern about the lack of detailed information on sexual violence against women, including sexual harassment in the workplace.

162. **The Committee recommends that an extensive, public awareness-raising campaign against violence in the family be launched nationwide and that strengthened training programmes for the police and the judiciary be provided so as to ensure that the rights of victims of domestic violence are properly protected. The Committee requests that detailed information on sexual violence, including sexual harassment, and efforts to eliminate it be provided in the next report.**

163. The Committee is concerned about the increase in poverty among women.

164. **The Committee recommends that the State party closely monitor the poverty situation of women and ensure that all programmes aimed at poverty alleviation take full account of the gender dimensions of poverty.**

165. While noting that the law on the bases for State guarantees of gender equality provides for gender quotas in the appointment of judges to the Constitutional Court and the Supreme Court, the staff of the Central Commission on Elections and Referendums, and the auditors of the Auditing Chamber, the Committee is concerned about the underrepresentation of women in elected and appointed bodies, particularly at high levels, including the Zhogorku Kenesh (Parliament) and regional and district parliaments, State executive and administrative organs and the diplomatic service.

166. **The Committee urges the State party to strengthen and implement measures to increase the representation of women in elected and appointed**

**bodies through, inter alia, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in order to realize women's right to equal participation in all areas of public life, particularly at high levels of decision-making. The Committee recommends that the State party fully utilize general recommendation 23 concerning women in public life and promote changes in the attitudes and perceptions of both women and men with regard to their respective roles in the household, the family, at work and in society as a whole. The Committee recommends that the State party increase its efforts in carrying out awareness-raising campaigns regarding the importance of women's equal participation in political and public decision-making and in the diplomatic service.**

167. While noting the efforts of the State party to eliminate gender role stereotyping, especially in the media, the Committee is concerned about the persistence of discriminatory cultural practices and stereotypes relating to the roles and responsibilities of women and men in all areas of life, and the deep-rooted patriarchal attitudes, which undermine women's social status and are an obstacle to the full implementation of the Convention.

168. **The Committee urges the State party to monitor carefully the persistence of discriminatory cultural practices and stereotypes and intensify its efforts to eliminate them. It urges the State party to encourage men to share family responsibilities, to direct its awareness-raising programmes to both women and men, and to take action to change stereotypical attitudes and perceptions as to men's and women's roles and responsibilities. It recommends that the State party encourage the media to promote a positive image of women and of the equal status and responsibilities of women and men in both the private and public spheres.**

169. The Committee is concerned at the continuing existence of bride abduction and polygamy, despite the legal prohibition of these practices.

170. **The Committee recommends action without delay by the State party to enforce its laws penalizing these practices. The Committee also recommends that the State party take comprehensive and effective measures, including the training of the judiciary and law enforcement officials and public awareness-raising campaigns, to eliminate these practices.**

171. The Committee is concerned that provisions in the laws on land and agrarian reform and in other laws, as well as customs and traditional practices, regarding ownership, transfer and inheritance of land discriminate against women and prevent them from exercising their rights to land.

172. **The Committee requests the State party to undertake a study on women's de jure and de facto ownership and inheritance of land and to report the results in its next periodic report. The Committee urges the State party to take appropriate measures, including review and amendment of legislation, awareness-raising and adequate enforcement of the law, to eliminate all forms of discrimination against women with respect to ownership, transfer and inheritance of land.**

173. The Committee is concerned that the law on nationality precludes Kyrgyz women from passing their nationality on to their children on the same basis as men.

174. **The Committee urges the State party to take immediate steps to amend the nationality law and bring it into conformity with article 9 of the Convention.**

175. **The Committee encourages the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee, without delay.**

176. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report, due in 2006, to be submitted under article 18 of the Convention. It also requests that the report take account of the general recommendations of the Committee and provide information, including sex-disaggregated data, on the impact of legislation, policies and programmes designed to implement the Convention. The Committee urges the State party to cooperate with non-governmental organizations and civil society to enhance enjoyment by women of their human rights and in follow-up to the concluding comments. It recommends that the State party consult with women's non-governmental organizations during the preparation of the next periodic report.**

177. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing, the Committee requests the State party to include in its next periodic report information on the implementation of aspects of those documents relating to relevant articles of the Convention.**

178. **The Committee requests that the present concluding comments be widely disseminated in Kyrgyzstan in order to make the people of Kyrgyzstan, in particular government officials and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and the further steps required in this regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

### 4. Combined second and third periodic report

### Nepal

179. The Committee considered the combined second and third periodic report of Nepal (CEDAW/C/NPL/2-3) at its 630th and 631st meetings, on 13 January 2004 (see CEDAW/C/SR.630 and 631).

**Introduction by the State party**

180. In introducing the combined second and third periodic report of Nepal, the representative of Nepal reiterated the State party's full commitment to the implementation of the Convention, which was basic to the country's development efforts and a source of inspiration for developmental interventions aimed at achieving substantive equality for women and the elimination of all forms of discrimination against women. Civil society and development partners had collaborated with the Government in the preparation of the national report. They had also supported resource generation and social mobilization during the implementation of the Convention. That collaboration encouraged the creation of an enabling environment, gender sensitization and institutional development at the national and the village levels.

181. The representative highlighted the positive developments in Nepal since the ratification of the Convention in 1991. Women's socio-economic empowerment was well under way, gender issues were being integrated into sectoral development policies, and development partners agreed on the need to place gender issues at the top of the national agenda.

182. Equality between women and men, women's empowerment and gender mainstreaming were targets of overall development. To achieve those targets, several policies and strategies had been implemented, including formulation of the National Plan of Action on Gender Equality and Women's Empowerment; approval of a plan of action on the Convention; formulation of a national human rights action plan; approval of the National Strategy on "Education for All", aimed at eliminating gender disparity in education by 2005 and achieving gender equality by 2015; review of the existing Plan of Action against Trafficking; and preparation and finalization of the South Asian Association for Regional Cooperation Social Charter.

183. Moreover, initiatives had been undertaken in relation to governance reform, including formulation of a road map for gender-responsive governance; introduction of "mobile government" aimed at providing essential services for rural communities; establishment of a committee on reservations for marginalized communities, including women in the civil service, aimed at ensuring equal representation of women in decision-making positions in the civil service; and provision of more opportunities for women in foreign employment.

184. Turning to institutional development, the representative stated that the National Human Rights Commission, the National Commission on Women, and the National Dalit Commission had been established. Furthermore, the capacity of gender focal points had been strengthened in order to achieve gender responsiveness in ministries. Women's development offices had been institutionalized as gender focal agencies at the district level, and a women's caucus had been established in Parliament.

185. Discriminatory laws had been reviewed by an expert Committee and a report thereon had been submitted to the Prime Minister, who had sent it to the Ministry of Women, Children and Social Welfare for the necessary action, and the procedure for safe abortion had been effectuated. A bill on domestic violence and an amendment bill on human trafficking (control) had been submitted to Parliament. Economic opportunities for women had been expanded. Other initiatives included the incorporation of gender budgeting in the national budgetary mechanism and the

formulation of a programme to support families, especially women and children, affected by conflict and violence.

186. The representative noted that, despite significant progress achieved in the advancement of women, major sociocultural, governance, economic, legal and psychological challenges remained. Sociocultural challenges included the prevalence of traditional culture and customs leading to patriarchy; discriminatory social practices, negative attitudes and gender stereotypes; the prevalence of gender-based violence and the subordination of women in society; the lack of adequate gender awareness and awareness of women's rights; and the marginalization of women's issues. Challenges in the governance sector included non-existent or insufficient implementation of international instruments; insufficient institutional capacity of the government machinery for policy and programme implementation and the lack of effective law enforcement; the need to mainstream gender concerns into governance; the need to institutionalize cooperation with civil society and other partners; and the need to provide effective service delivery for marginalized sectors of the population.

187. With regard to economic challenges, the representative noted a lack of equitable access for women to productive resources in comparison with men, the feminization of poverty and the marginalization of rural women. Legal challenges included the prevalence of discriminatory legal provisions and lengthy amendment processes as well as inadequate gender sensitivity and gender responsiveness in the legislative process. Finally, with regard to psychological challenges, the representative underlined the lack of adequate knowledge and skills to internalize the issues of gender and empowerment of women; the low participation and support of men in gender and women's issues; the lack of family and community support for increasing the psychological status of women; and the subordination of women in social and economic activities.

188. The representative described the road map for the implementation of the plan of action on the Convention and concluded by stressing the importance placed by Nepal on the elimination of discrimination against women as a way to develop the whole society. The necessity of international cooperation and assistance for the effective implementation of the Convention in the country was also emphasized.

## Concluding comments of the Committee

### Introduction

189. The Committee commends the State party for its combined second and third periodic report, which was frank, informative and straightforward and complies with the Committee's guidelines for the preparation of reports.

190. The Committee commends the State party for its high-level delegation, headed by the Minister of State for Women, Children and Social Welfare, and appreciates the fact that the delegation included the Chairperson of the National Commission on Women, a woman member of the Human Rights Commission, a woman member of the National Dalit Commission and representatives of different ministries with responsibility for the implementation of the Convention. It expresses appreciation to the State party for the written responses to the issues and questions posed by the Committee's pre-sessional working group and the frank oral presentation made by the delegation.

191. The Committee notes with satisfaction that the National Plan of Action on Gender Equality and Women's Empowerment covers the 12 critical areas of concern identified in the Beijing Platform for Action.

## Positive aspects

192. The Committee commends the State party for identifying gender equality as a priority in its national development plan and welcomes new laws and legal reforms, such as the Country Code (Eleventh Amendment) Act, which, inter alia, enhances women's right to property; the Legal Aid Act, under which free legal aid is available in cases of abortion, trafficking, sexual exploitation and domestic violence; the Civil Service (First Amendment) Act, containing special provisions with regard to entry regulations, career development and conditions of service for women; and the Local Self-Governance Act, which includes a quota of at least 20 per cent representation by women in local bodies. The Committee also commends the efforts made towards implementation of the Convention through a wide range of plans and programmes, including the National Plan of Action on Gender Equality and Women's Empowerment, the National Plan of Action on Education and the Second Long-Term Health Plan.

193. The Committee commends the State party for establishing the Ministry of Women, Children and Social Welfare and for creating several other institutional mechanisms, including the National Commission on Women, gender focal points in other ministries, a National Human Rights Commission, the National Dalit Commission and a national committee to monitor the implementation of the Convention.

194. The Committee commends the State party's partnership with civil society on women's issues and its cooperation with civil society in disseminating information on the Convention, including the concluding comments that followed the consideration of the initial report. It welcomes the fact that these concluding comments were translated into Nepali to foster a better understanding of the human rights of women.

195. The Committee acknowledges that the judiciary has rendered a number of gender-sensitive decisions, thereby contributing to enhancing the status of women and protecting their rights in the territory of the State party.

## Principal areas of concern and recommendations

196. While noting that a high-level committee has submitted a report identifying remaining discriminatory laws to the Prime Minister and that the Ministry of Women, Children and Social Welfare has been directed to take immediate action, the Committee reiterates the concern already expressed in the concluding comments on the initial report that the State party has not taken sufficient action to amend prevailing discriminatory laws.

197. **The Committee urges the State party to expedite action and to establish a specific timetable for amending discriminatory laws without further delay in order to comply with its obligation under article 2 of the Convention.**

198. The Committee expresses concern that the Constitution, in contradiction to article 9 of the Convention, precludes Nepalese women from passing their nationality on to their children or to a spouse of foreign nationality.

199. **The Committee urges the State party to repeal or amend article 9 of the Constitution, which permits discrimination against women in the area of citizenship.**

200. While appreciating the work undertaken by the Ministry of Women, Children and Social Welfare, the Committee expresses concern that the national machinery for the advancement of women does not have sufficient financial and human resources to effectively promote the advancement of women and gender equality.

201. **The Committee recommends that the State party strengthen the existing national machinery for the advancement of women, inter alia, by providing it with adequate financial and human resources.**

202. The Committee expresses its concern about the internal armed conflict that has continued in Nepal since 1996 and its impact on women. It is also concerned about the dissolution of the House of Representatives since May 2002, as this has an adverse impact on the capacity of the State party to implement the Convention, in particular in respect of the passage of legislation.

203. **The Committee calls on the State party to ensure the full and equal participation of women in the process of conflict resolution and peace-building. It urges the State party to allocate sufficient resources to meet the needs of women who have suffered damage as a result of the conflict and to ensure their security and protection from violence. The Committee also calls on the State party to ensure that legislative functions are not abandoned or neglected to the detriment of women in the period until the House of Representatives is reconvened. It encourages the State party to prepare a legislative agenda for action by Parliament.**

204. While recognizing that education is a national priority of the State party and that substantial progress has been made, including a decline in the overall illiteracy rate, the Committee is concerned about the continuing significant gap between the literacy rates of women and men. It is concerned about the low female enrolment in primary and secondary schools, high dropout rates and the very limited access for women to tertiary education. The Committee is also concerned that educational opportunities are fewer for women in rural areas and for women of different castes and ethnic groups.

205. **The Committee urges the State party to intensify its efforts to address the literacy gap between men and women so that the goals established in the National Plan on Education in regard to equality in education can be achieved, particularly in rural areas and among disadvantaged castes and ethnic groups. The Committee also recommends that the State party strengthen its efforts to ensure equal access of girls and women to all levels of education and to take all appropriate measures to prevent girls from dropping out of school. The Committee calls on the State party to allocate more financial and human resources to the education sector, to recruit more women teachers and to ensure that school textbooks do not carry stereotyped images of women.**

206. The Committee is concerned at the persistence of discriminatory cultural practices and stereotypes relating to the roles and responsibilities of women and men in all areas of life, and by deep-rooted patriarchal attitudes and conduct based on the assumed superiority of men in the public and private spheres and the strong perception that women are weak and vulnerable, which undermine women's social

status and are an obstacle to the implementation of the Convention. The Committee expresses its particular concern at the situation of widows who are often marginalized and vulnerable to violence and economic deprivation as a result of entrenched mindsets.

207. **The Committee urges the State party to intensify its efforts to eliminate discriminatory cultural practices and stereotypes. It also urges the State party to encourage men to share family responsibilities and direct its awareness-raising programmes to men as well as women, and to take action to change stereotypical attitudes and perceptions as to men's and women's roles and responsibilities. It recommends that the media be encouraged to project a positive image of women and of the equal status and responsibilities of women and men in both the private and public spheres. The Committee requests the State party to adopt measures to ensure that widows are able to enjoy their human rights and to improve their situation, including through job training, loan opportunities and counselling services and sensitization programmes aimed at ending the stigmatization of widows within the family and in the community.**

208. The Committee is concerned at the continuing existence of child marriage and polygamy and other practices, including the institution of dowry, *deuki* (dedicating girls to a god and goddess), *jhuma* (in some communities, second sisters remain unmarried and spend their life in monasteries), *kumari pratha* (having a girl child as living goddess) and *badi* (ethnic practice of prostitution among young girls), that are contrary to the Convention and constitute discrimination against women. The Committee is also concerned that the enactment of the draft bill on domestic violence has been delayed indefinitely.

209. **The Committee recommends action without delay by the State party to enforce its marriage laws, particularly as they relate to the prohibition of child marriage and polygamy, in the light of general recommendation 21 on equality in marriage and family relations, and urges the State party to take steps to abolish other harmful and discriminatory traditional practices, such as dowry *deuki*, *jhuma*, *kumari pratha*, and *badi*. The Committee also recommends that the State party take comprehensive and effective measures, including the training of the judiciary and law enforcement officials and public awareness-raising campaigns aimed at eliminating these practices. The Committee requests the State party to adopt immediately measures on domestic violence and to provide in its next report information about progress in relation to the draft bill on domestic violence.**

210. Recognizing the efforts made by the State party to address the issue of trafficking in women and girls, the Committee remains concerned about the continuing prevalence of this problem in Nepal. It is also concerned about the large discrepancy between reported instances of trafficking and the actual number of cases brought to court. It is further concerned that the enactment of the amendment to the Human Trafficking (Control) Act has been delayed.

211. **The Committee urges the State party to intensify its efforts to address trafficking in women and girls. It recommends that its anti-trafficking strategy should include measures of prevention, the prosecution and punishment of perpetrators and increased international, regional and bilateral cooperation. The Committee requests the State party to provide in its next report**

**information about the legal and actual situation with respect to trafficking in women and girls.**

212. The Committee is concerned at the status of women's health, particularly rural women. The Committee is concerned that women have a lower life expectancy than men and that there are high maternal and infant mortality rates. It is also concerned that women's health is adversely affected by factors such as early marriage and early pregnancy, inadequate family planning services and illiteracy, which is an obstacle to obtaining and effectively using health-related information. It is further concerned at the lack of research on women's health and data disaggregated by sex.

213. **The Committee recommends that the State party take further measures to improve the access of women, particularly rural women, to health-related services and information, including in regard to sexual and reproductive health, in an effort to reduce maternal mortality. It also recommends that programmes and policies be adopted to increase knowledge of and access to contraceptive methods, bearing in mind that family planning should be the responsibility of both partners. It further recommends that sex education be widely promoted, particularly targeting boys and girls, with special attention to the prevention and further control of sexually transmitted diseases and HIV/AIDS. The Committee requests the State party to conduct research on women's health and to provide sex-disaggregated data on access to health in its next report.**

214. While noting the 5 per cent constitutional minimum for the fielding of women candidates for elections by political parties, the Committee is concerned at the very poor representation of women in decision-making positions in the political and administrative spheres. It is also concerned at the very low numbers of women within the judiciary as well as the nominal participation of women at the international level.

215. **The Committee recommends that the State party intensify its efforts to encourage women to take up leadership positions through temporary special measures, including timetables and numerical targets, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25. The Committee also recommends that the State party undertake awareness-raising campaigns on the importance of women's participation in decision-making.**

216. The Committee is concerned that women's access to land is still more limited than that of men.

217. **The Committee requests the State party to take appropriate measures to eliminate all forms of discrimination against women with respect to access to land.**

218. The Committee is concerned at the lack of information in the report about refugee women in camps in Nepal. In particular, it is concerned that women may be denied the possibility of applying for refugee status as individuals in their own right. The Committee is also concerned at information about inadequate protection and redress from gender-based violence in refugee camps.

219. **The Committee requests the State party to provide in its next report comprehensive information on the situation of refugee women in Nepalese camps, including in respect of the registration process for refugees and the**

**means used to protect refugee women from gender-based violence and the avenues available for redress and rehabilitation.**

220. The Committee regrets that the report provides insufficient statistics and sex-disaggregated data, in particular detailed information on the scope of the programmes and the impact of the measures taken by the State party to eliminate discrimination against women.

221. **The Committee recommends that the State party's next report contain more specific and analytical information on the situation of women, supported by sex-disaggregated data describing the results achieved.**

222. **The Committee urges the State party to ratify the Optional Protocol to the Convention and to deposit as soon as possible its instrument of acceptance of the amendment to article 20, paragraph 1, of the Convention, on the meeting time of the Committee.**

223. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next report under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, which is due in 2004, and its fifth periodic report, due in 2008, in a combined report in 2008.**

224. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing, the Committee requests the State party to include in its next periodic report information on the implementation of aspects of those documents relating to relevant articles of the Convention.**

225. **The Committee requests the wide dissemination in Nepal of the present concluding comments in order to make the people of Nepal, in particular government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

### 5. Combined fourth and fifth periodic reports

#### Ethiopia

226. The Committee considered the combined fourth and fifth periodic report of Ethiopia (CEDAW/C/ETH/4-5) at its 646th and 647th meetings, held on 26 and 30 January 2004 (see CEDAW/C/SR.646 and 647).

### Introduction by the State party

227. In introducing the combined fourth and fifth periodic report, the representative of Ethiopia explained that, under the Constitution, fundamental rights and freedoms were to be interpreted in conformity with the principles of the Universal Declaration of Human Rights, the two international covenants on human rights and international instruments ratified by Ethiopia. The Convention on the Elimination of All Forms of Discrimination against Women had thus become part of Ethiopian law. Various measures, including reform of family law, had been taken to uphold constitutional rights. An independent judiciary implemented those rights and civil society promoted them at the grass-roots level. Although it was not yet fully operational, an Office of Ombudsman dealing with women's and children's affairs had also been established.

228. A considerable number of machineries had been set up at different levels of government, from the Women's Affairs Office in the Office of the Prime Minister to women's affairs departments in 16 sectoral ministries and in all regional governments. Gender focal points had been established in each *woreda* (district) to incorporate gender issues in local development programmes.

229. Public debates, awareness campaigns and advocacy had been carried out in order to combat discrimination and to popularize gender equality and other human rights. Various human rights conventions, including the Convention on the Elimination of All Forms of Discrimination against Women, had been translated into Amharic, the local working language. In addition, the media had played a key role in awareness-raising and promoting gender equality and gender issues, while the Ethiopia Media Women's Association, established in May 1999, contributed to improving the image of women in the media. A national committee on harmful traditional practices had been established as a policy initiative to eliminate discrimination and enhance the advancement of women. Some legal measures had also been adopted or were under way to tackle violence against women, including harmful traditional practices. Networks had been established, including networks on violence against women, female genital mutilation, gender and leadership and girls' education.

230. A national committee chaired by the Ministry of Foreign Affairs had undertaken a number of activities in respect of migration and trafficking. A proclamation (No. 104/998) prohibiting trafficking and illegal migration of women had been issued, rules preventing the issuance of exit visas to persons without proper work contracts had been established, consular offices had been opened in some receiving countries and experiences had been shared with countries with large numbers of migrants.

231. The representative indicated that her Government recognized that women's participation in political matters was crucial to ensuring gender equality and that measures had been taken in this regard. She stated that large numbers of women had participated as voters in the last two elections, in 1995 and 2000, and that women had been elected to the House of Peoples' Representatives (Parliament) and the State (Regional) Council.

232. Measures had been taken to ensure equal access of girls to education and to increase enrolment and the retention rate of girls at all levels. They included higher budget allocations for regional schools that increase the enrolment of girls and

decrease the drop-out and repetition rates; the reservation of 30 per cent of places in public high educational institutions for women; the reservation of 50 per cent of places for women at the Teachers Training Institute; and the inclusion of gender as a main component of civic education starting in primary schools. With respect to employment, the Federal Civil Service Commission had instituted a reform that gave priority to women in employment, including promotions. Affirmative action provisions had been adopted to bring women into leadership and decision-making positions within the civil service. Women in the civil service were also entitled to maternity leave with pay both before and after their confinement. Other strategies included facilitation of the establishment of microfinance institutions by non-governmental organizations and other partners, and the establishment of the Ethiopian Women's Development Fund and Women's Development Initiative Project.

233. The delivery of health services to women had expanded, with an improved referral system that was especially beneficial to women. Efforts had also been undertaken to combat the spread of the HIV/AIDS pandemic, which included projects that aimed to reduce women's vulnerability. For the sake of preventing mother-to-child transmission, the Government had started to provide anti-retroviral drugs free of charge to pregnant women living with HIV/AIDS.

234. In conclusion, the representative indicated that, while the legal and political environment was highly conducive to promoting the advancement of women, many challenges had been encountered in the implementation of policies and programmes. These included insufficient skilled human resources, unavailability of data disaggregated by sex in most economic and social sectors, and the lack of clear and effective indicators for gender mainstreaming in development programmes and projects. She suggested that the political commitment that existed at the higher political level was perhaps sometimes lost at the lower level, where programme implementation was to be realized.

## Concluding comments of the Committee

### Introduction

235. The Committee expresses its appreciation to the State party for its combined fourth and fifth periodic report, while regretting the fact that the report does not fully comply with the Committee's guidelines for the preparation of periodic reports.

236. The Committee congratulates the State party for its high-level delegation, headed by the Minister of State for Women's Affairs. The Committee appreciates the frank and constructive dialogue held between the delegation and the members of the Committee.

### Positive aspects

237. The Committee appreciates the political commitment expressed by the State party to implementing the provisions of the Convention and to further improving the progress achieved so far in some areas.

238. The Committee welcomes the revision of the family code and the ongoing revision of the penal code by the State party to eliminate the provisions that are discriminatory towards women.

239. The Committee appreciates the establishment of a comprehensive national machinery for the advancement of women at different governmental levels, which includes the Women's Affairs Office, women's affairs departments in various ministries, and gender focal points in each district.

240. The Committee commends the State party for the temporary special measures introduced in the civil service and in education, in particular the allocation of at least 30 per cent of the total number of university seats to female students. It also commends the State party for the introduction of the girl's scholarship programme, covering 28 schools in 7 regions, and the incorporation of gender mainstreaming in the school curriculum.

### Principal areas of concern and recommendations

241. The Committee, while welcoming the integration of the Convention and the inclusion of equality provisions in the Constitution, is concerned about the slow progress in the implementation of the provisions of the Convention in the State party since the consideration of the State party's combined initial, second and third periodic report in 1996.

242. **The Committee urges the State party to enforce the supremacy of the Constitution over regional laws and encourages it to proceed, as a matter of urgency, with the full implementation of the provisions of the Convention throughout the country, including through enhanced cooperation between the federal and regional governmental bodies and institutions, so as to achieve uniformity of results in the implementation of the Convention. It calls on the State party to enhance its efforts for, and systematically monitor progress achieved in, the implementation of the Convention at all levels and in all areas. To that end, the Committee recommends that the State party place particular focus on improving the capacity of all public officials in the area of women's human rights and seek resources through international development assistance programmes, as necessary. The Committee also calls on the State party to launch, at the national level, a comprehensive programme of dissemination of the Convention, targeting women and men, in order to enhance awareness about and promote and protect the rights of women.**

243. The Committee, while welcoming the revision of the family code regulating marriage and family relations, is concerned that it has not yet been adopted by all regions.

244. **The Committee encourages the State party to ensure that regional governments adopt and duly implement the Family Code without delay and take all necessary measures, including awareness-raising measures, to sensitize the population about the revised Family Code.**

245. The Committee, while welcoming the establishment of the national machinery for the advancement of women, is concerned that the machinery suffers from insufficient decision-making power and inadequate human and financial resources to effectively promote the advancement of women and gender equality. The Committee also expresses its concern about the lack of an integrated policy of gender mainstreaming at the federal level.

246. **The Committee recommends that the State party expeditiously strengthen the existing national machinery and provide it with adequate human and**

**financial resources at all levels in order to increase its effectiveness in mainstreaming gender perspectives in all policies and in promoting women's human rights.**

247. The Committee expresses concern about the insufficient sex-disaggregated statistical data contained in the report with regard to the areas covered by the Convention.

248. **The Committee recommends the systematic and comprehensive compilation of sex-disaggregated data and its analysis reflecting the situation of women in all areas covered by the Convention.**

249. The Committee, while welcoming the State party's efforts in the area of education, is concerned at the low rate of female literacy, the continuing gap between boys and girls in the school enrolment rate and at the high drop-out and repetition rates among girls.

250. **The Committee urges the State party to strengthen its efforts to improve the literacy rate of girls and women in rural and urban areas, to ensure equal access of girls and young women to all levels of education and to take measures to reduce and eliminate the high drop-out and repetition rates of girls. It encourages the State party to introduce temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 at primary and secondary levels of education, including incentives for parents to send girls to school. It also recommends that the State party take steps to ensure that rural women and girls have full access to education and vocational training.**

251. The Committee is concerned about the continuing persistence of entrenched traditional discriminatory practices, including the 80 per cent of girls and women who undergo female genital mutilation and inheritance of a widow with all her property, and strong stereotypical attitudes in respect of the roles and responsibilities of women and men in the family and society, which negatively affect women's enjoyment of their human rights.

252. **The Committee urges the State party to increase its efforts to design and implement comprehensive awareness-raising programmes targeting women and men in order to foster a better understanding of equality between women and men at all levels of society, with a view to changing negative social and cultural patterns of conduct and stereotypical attitudes about the roles and responsibilities of women and men in the family and society and to eliminate female genital mutilation and widowhood practices. The Committee also calls upon the State party to periodically review the measures taken in order to better assess their impact and to report thereon to the Committee in its next report. The Committee recommends that the State party take action without delay to end all discriminatory traditional practices.**

253. The Committee, while welcoming the fact that the age of marriage has been set at 18 years for both girls and boys, is concerned about the persistence of the practice of early marriage, which may be perpetuated further by the non-registration of births.

254. **The Committee recommends that the State party take measures to achieve free and timely registration of all births and undertake awareness-raising**

**measures, throughout the country, particularly in rural areas, on the importance of registering births and the negative effects of early marriage on women's enjoyment of human rights, especially the rights to health and education.**

255. The Committee is concerned that no specific legislation has been enacted to combat violence against women, including domestic violence, and at the lack of systematic data collection on violence against women, particularly domestic violence. The Committee is also concerned that, while abduction has been recognized as a crime under the Ethiopian criminal code, the implementation of the law is weak and abductions tend to be resolved through discriminatory customary laws and practice. The Committee is also concerned about the incidence of rape in the country.

256. **The Committee urges the State party to expedite the adoption and implementation of a national strategy to combat violence against women, to include, inter alia, legislation on violence against women, including domestic violence; the collection of data on all forms of violence against women; and research into the extent of violence against women and girls. The Committee calls upon the State party to ensure that all forms of violence against women are prosecuted and punished adequately and that victims have immediate means of redress and protection, in accordance with general recommendation 19. The Committee also recommends that the State party step up its efforts, through public awareness and education campaigns targeting the general public, with a particular focus on the judiciary, the police and medical personnel, to bring about attitudinal and behavioural changes to make such violence socially and morally unacceptable.**

257. The Committee is concerned about the very low level of life expectancy for women, the high rate of maternal mortality and the high prevalence of HIV/AIDS among women. The Committee is also concerned at the high rate of clandestine abortion and its causes, which include poverty, a lack of access to information on women's reproductive health and rights and low prevalence of contraceptive use.

258. **The Committee recommends the adoption of measures to guarantee effective access for women, including young women, to health-care information and services, in particular regarding reproductive health, with the aim of reducing clandestine abortions. It further recommends that programmes and policies be adopted to increase knowledge about and access to affordable contraceptive methods, as well as to increase the understanding that family planning is the responsibility of both partners. The Committee also recommends that sex education be widely promoted and provided, targeting men, women and adolescent boys and girls, with special attention to the prevention and further control of HIV/AIDS.**

259. The Committee, while welcoming the implementation of the Women's Development Initiative Project and the Ethiopian Women's Development Fund, is concerned that the Fund currently reaches only a small percentage of women, and that poverty among women, in particular rural women, continues to persist at a high level.

260. **The Committee urges the State party to expand its specific programmes aimed at enhancing the socio-economic well-being of women and step up its**

**efforts to fully integrate gender perspectives in its sustainable development and poverty reduction programme. It also urges the State party to take measures to ensure that the rights, needs and concerns of rural women are given greater attention and visibility and that rural women participate fully in the formulation, implementation and evaluation of all sectoral policies and programmes. It calls upon the State party to put in place policies to protect women's right to property and to ensure that women have access to land and water resources on an equal basis with men.**

261. The Committee is concerned about the discrimination faced by women in the labour market, especially in the emerging private sector.

262. **The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, inter alia, the use of temporary special measures, according to article 4, paragraph 1, of the Convention and general recommendation 25. The Committee recommends that the State party take effective measures to promote the reconciliation of family and work responsibilities between women and men. The Committee requests the State party to provide, in its next report, detailed information on the situation of women in the formal and informal labour market, including women's occupations in the different sectors of the economy, their levels of seniority in the different sectors, and their respective wages.**

263. The Committee, while noting the slight increase in women's political participation, is concerned that the representation of women in decision-making positions in the various areas and levels of political and public life is still low.

264. **The Committee requests the State party, in accordance with article 4, paragraph 1, of the Convention, to take effective measures, such as implementation of targeted training programmes and awareness-raising campaigns, to encourage women to participate in public life and to highlight the importance to the society as a whole of women's full and equal participation in the development and decision-making processes, in accordance with general recommendation 23 on women in public and political life.**

265. The Committee, while welcoming the establishment of a national committee on migration, is concerned about the increasing number of Ethiopian women migrating to other countries in search of work and finding themselves in situations where they are vulnerable to various forms of violence, exploitation and trafficking.

266. **The Committee urges the State party to step up its efforts to protect women migrant workers; prevent the activities of illegal employment agencies; ensure that women are provided with adequate information on safe migration before departure; and conclude bilateral agreements with receiving countries. It also recommends that the State party consider acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

267. The Committee notes with concern that no information on the situation of older women and women with disabilities was included in the report.

268. **The Committee requests the State party to provide in its next report disaggregated data and information on the situation of older women and**

**women with disabilities, including with regard to employment, education and health, and on measures taken in this regard.**

269. The Committee notes with concern that women's non-governmental organizations were not consulted in the process of preparation of the report.

270. **The Committee recommends that the State party take concrete steps to create a conducive environment for the establishment and operation of women's non-governmental organizations and to facilitate the active participation of civil society in the full implementation of the Convention and the promotion of women's human rights. The Committee urges the State party to cooperate more effectively with non-governmental organizations and women's associations in the implementation of the Convention, including in follow-up to the concluding comments. The Committee recommends that the State party consult with non-governmental organizations in the preparation of the next periodic report.**

271. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its sixth periodic report, which was due in 2002, and its seventh periodic report, due in 2006, in a combined report in 2006.**

272. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session) and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Second World Assembly on Ageing, the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.**

273. **The Committee requests the wide dissemination in Ethiopia of the present concluding comments in order to make the people of Ethiopia, in particular government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".**

### Nigeria

274. The Committee considered the combined fourth and fifth periodic report of Nigeria (CEDAW/C/NGA/4-5) at its 638th and 639th meetings, on 20 and 21 January 2004 (see CEDAW/C/SR.638 and 639).

### Introduction by the State party

275. In introducing the report, the representative of Nigeria noted that the country's complexity was reflected in the varying nature of statistics and in the differing levels of national development and progress made towards realization of the Convention. In spite of these complexities, concrete progress was made at different levels of the three tiers of government and reflected, for example, in the adoption in 2003 of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act and the Child Rights Act. A national bill on violence against women was before the National Assembly. The 1999 Nigerian Constitution provided for the promotion and protection of women's rights in Nigeria. The Federal Government had adopted the National Policy on Women in July 2000. That policy provided, inter alia, for affirmative action to increase to 30 per cent the representation of women in the legislative and executive arms of the Government.

276. The report discussed the sociocultural, economic, political, legal and religious challenges to the promotion and protection of women's rights. Measures to eliminate discrimination against women included the enactment of laws relating to widowhood practices and female genital mutilation, the prohibition of early marriage, retention of girls in school, and trafficking in women and children. Legal aid was available to women. The National Action Committee on Women in Politics had been established, which was developing strategies for effective mobilization of women in all electoral processes. Efforts were under way to modify or abolish existing discriminatory laws, including provisions of the Penal Code.

277. Other measures to address discrimination against women included the translation of the Convention into the three major Nigerian languages; the production of information, education and communication materials for creating awareness and educating the public about women's rights; and empowerment programmes targeting women, institutions, students and the general public as well as professional groups and traditional and religious institutions. The pioneering role of a Supreme Court case that recognized and cited the Convention as a standard to be followed was also emphasized.

278. The representative highlighted a number of national policies that contained measures to protect maternal health, including the National Policy on Women and the national policies on reproductive health, nutrition, HIV/AIDS and education. Over 90 per cent of States had expanded their primary health-care services for the benefit of women and girls.

279. There had been significant changes in the status and quality of women's employment since the previous report. Measures to ensure women's economic and social empowerment included the provision of microcredit, the establishment of women's cooperative societies, skills acquisition centres and a number of pilot projects. The national economic policy had also been engendered and targets had been set for women's economic advancement.

280. While the Federal Ministry of Women's Affairs and Youth Development had responsibility for pursuing policies and programmes aimed at women's enjoyment of their rights, other institutions and bodies also supported the achievement of that goal, including the recently appointed Special Assistant on Human Trafficking and Child Labour, the National Consultative and Coordinating Committee, the National Technical Team of Experts comprising gender desk officers from sectoral ministries,

the National Human Rights Commission, especially its special rapporteur on women and child rights, and the Legal Aid Council. Non-governmental organizations also supported the promotion of women's rights and those of the girl child, and non-discrimination.

281. In closing, the representative reiterated her Government's commitment to implementing measures to eliminate all forms of discrimination against women and to using the media and information and communications technology as an instrument for the advancement and empowerment of women.

### Concluding comments of the Committee

#### Introduction

282. The Committee commends the State party for its combined fourth and fifth periodic report, which was prepared in accordance with the Committee's guidelines for the preparation of periodic reports. It also commends the State party for the written replies to the issues and questions raised by the Committee's pre-session working group, and expresses appreciation for the comprehensive oral presentation.

283. The Committee congratulates the State party for its high-level delegation, headed by the Federal Minister of Women Affairs and Youth Development, and which also included officials from various branches of government as well as representatives of non-governmental organizations, which enabled the members of the Committee to engage in a frank and constructive dialogue with the delegation.

284. The Committee notes the declared political will of the State party to promote women's human rights in the new system of democratic governance and to overcome the obstacles to women's full participation in all aspects of public and private life after years of military rule.

285. The Committee warmly welcomes the State party's collaboration with women's non-governmental organizations and other interested stakeholders in the implementation of the Convention and the creation of a democratic society.

286. The Committee notes that Nigeria signed the Optional Protocol to the Convention in September 2000.

#### Positive aspects

287. The Committee commends the State party for including the right to freedom from discrimination on grounds of sex in its 1999 Constitution. It also welcomes the attention given in the ongoing constitutional review process to the elimination of remaining provisions that are discriminatory to women, including those regarding nationality.

288. The Committee welcomes the adoption of new federal laws in support of the goal of gender equality and the implementation of the provisions of the Convention, including the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003, and the Child Rights Act, 2003. It also welcomes the adoption of a number of State laws prohibiting discrimination against women in critical areas such as female genital mutilation, widowhood practices and early marriage. It appreciates the State party's efforts, in collaboration with civil society organizations, to collate all remaining discriminatory aspects of legal provisions and

practices, with a view to eliminating them, and to harmonize statutory, customary and religious laws.

289. The Committee notes that, despite the fact that the Convention has not yet been domesticated as part of Nigerian law, some courts in Nigeria have explicitly referred to the Convention in arriving at decisions in favour of women's equality and non-discrimination.

290. The Committee welcomes the adoption of the National Policy on Women in 2000 as a framework for monitoring the implementation of the Beijing Platform for Action and the Convention. The Committee also welcomes the adoption of other national policies on education, reproductive health, nutrition and HIV/AIDS, which support women's empowerment, as well as the establishment of institutional mechanisms to support their implementation.

### Principal areas of concern and recommendations

291. The Committee is concerned that, although Nigeria ratified the Convention in 1985, the Convention still has not been domesticated as part of Nigerian law. It notes with concern that, short of such full domestication, the primacy of the Convention over domestic law is not clarified nor is the Convention justiciable and enforceable in Nigerian courts.

292. **The Committee urges the State party to place high priority on completing the process of full domestication of the Convention. It calls on the State party to ensure that the Convention and related domestic legislation are made an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors, so as to firmly establish in the country a legal culture supportive of women's equality and non-discrimination.**

293. The Committee is concerned that the State party's Constitution continues to contain provisions that discriminate against women, in particular in the area of nationality and employment, a fact that is explicitly recognized by the State party. It is further concerned at the slow pace of legislative reform to bring discriminatory legislation into conformity with the provisions of the Convention and to eliminate customary practices that discriminate against women.

294. **The Committee calls on the State party to set priorities, as well as a concrete timetable, for amending provisions in the Constitution and in Federal and State legislation that discriminate against women. It urges the Government of the State party to intensify its collaboration with parliamentarians and civil society in order to enhance understanding by all stakeholders of the State party's obligations under the Convention and to ensure speedy progress towards achieving de jure equality as an essential prerequisite for realizing de facto equality of women and compliance with the provisions of the Convention.**

295. The Committee notes with concern the existence of a three-pronged legal system, namely, statutory, customary and religious law, which results in a lack of compliance by the State party with its obligations under the Convention and leads to continuing discrimination against women.

296. **The Committee urges the State party to take proactive and innovative measures, including full domestication of the Convention, to remove contradictions among the three legal systems and to ensure that any conflict of law with regard to women's rights to equality and non-discrimination are resolved in full compliance with the provisions of the Convention and general recommendation 21 on equality in marriage and family relations. It also urges the State party to step up its efforts at awareness-raising with regard to the Convention in order to create an enabling environment for legal reform and legal literacy.**

297. The Committee is concerned about the continuing prevalence of violence against women and girls, including domestic violence and sexual harassment in the workplace. The Committee notes with concern that a bill on violence against women proposed in 2002 has yet to be acted on by the National Assembly.

298. **The Committee urges the State party to place high priority on putting in place comprehensive measures to address all forms of violence against women in the family and in society and to recognize that such violence constitutes a violation of the human rights of women under the Convention, and in the light of general recommendation 19 on violence against women. The Committee calls upon the State party to speed up its efforts at adoption of legislation on violence against women, including domestic violence and sexual harassment, and to ensure that all forms of violence against women are prosecuted and punished with the required seriousness and speed. The Committee stresses that all women victims of violence should have access to protection and effective means of redress. The Committee recommends gender-sensitive training for public officials, in particular for law enforcement personnel, the judiciary and health service providers, and the establishment of shelters and other services for victims of violence and sexual harassment. The Committee invites the State party to take awareness-raising measures through the media and public education programmes to make such violence socially and morally unacceptable.**

299. The Committee expresses concern about the persistence and social acceptability of harmful traditional practices, including widowhood practices, female genital mutilation, and child and forced marriage, despite prohibitions in State or Federal legislation.

300. **The Committee urges the State party to place the elimination of such practices high on the agenda of the federal and state governments and to bring to an immediate end the apathy of law enforcement agencies with regard to the implementation of existing legislation. It calls on the State party to intensify its efforts to develop and implement a national plan of action, including public awareness-raising campaigns targeted at women and men, in order to eliminate the practice of female genital mutilation and widowhood practices. It urges the State party to ensure full compliance with the Child Rights Act, 2003, which set the statutory minimum age of marriage at 18 years in all parts of the country. The Committee encourages the State party to undertake such efforts in**

**collaboration with civil society organizations, women's non-governmental organizations, and traditional and religious leaders, so as to build alliances and create an enabling environment for the accelerated elimination of such practices, and to achieve compliance with the Convention.**

301. The Committee, while recognizing the efforts of the State party to combat trafficking in women and the exploitation of the prostitution of women, such as adoption of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003, and the appointment of a high-level official on human trafficking and child labour, expresses its concern about the prevalence and extent of this problem in Nigeria, which has become a country of origin and transit of trafficked women and girls. The Committee notes with concern that the transmission of sexually transmitted diseases and HIV/AIDS is further exacerbated by sexual exploitation in Nigeria.

302. **The Committee urges the State party to ensure full implementation of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003, and to develop a comprehensive strategy to combat trafficking in women and girls, including the prosecution and punishment of offenders, counselling and rehabilitation of victims, and awareness-raising and training activities for those involved in combating trafficking. It calls on the State party to intensify international, regional and bilateral cooperation with other countries of origin, transit and destination for trafficked women and girls. It also recommends the introduction of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers.**

303. The Committee expresses concern at the low enrolment rates and educational achievement of girls and women, the continuing high rates of illiteracy of women and girls, in particular in rural areas, and the decline in the quality of education.

304. **The Committee urges the State party to ensure full implementation of its Universal Basic Education Policy, launched in 1999, and the educational objectives contained in the National Policy on Women, including with the support of the international community. It calls on the State party to further prioritize action in the field of girls' and women's education and to raise awareness about the importance of education as a fundamental human right and the basis for the empowerment of women. It urges that targeted measures with a concrete time frame be taken, in accordance with general recommendation 25, to increase the literacy level of girls and women, in particular in rural areas, to ensure equal access of girls and young women to all levels of education, to prevent girls from dropping out of school, in particular because of early pregnancy, and to overcome traditional attitudes that constitute obstacles to girls' education. It also encourages the State party to ensure the accessibility of schools to all children, particularly girls, to create further incentives for parents to send girls to school and to step up the recruitment of qualified women teachers at all levels of education.**

305. The Committee expresses concern about the persistence of discriminatory legislation, administrative provisions and practices in the labour market. It is also concerned about women's higher unemployment rates, the persistent wage gap in the private and public sector and the lack of adequate social protection for women in the private sector.

306. **The Committee urges the State party to ensure equal opportunities for women and men in the labour market, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25.**

307. The Committee expresses concern at the precarious situation of women's health, the insufficient and inadequate health-care facilities and family planning services and the lack of access to such facilities and services. The Committee is concerned about the high rates of maternal mortality as a result of unsafe abortions. It is also concerned about the persistence of traditional practices that are harmful to the physical and mental health of women and girls.

308. **The Committee urges the State party to allocate adequate resources to improving the status of women's health, in particular with regard to maternal and infant mortality. It urges the State party to increase women's and adolescent girls' access to affordable health-care services, including reproductive health care, and to increase access to affordable means of family planning for women and men. It urges the State party to take measures to assess the impact of its abortion laws on women's health. The Committee urges the State party to introduce a holistic and life cycle approach to women's health, taking into account general recommendation 24 on women and health.**

309. The Committee, while recognizing the efforts made to achieve 30 per cent representation of women in public office, notes with concern the low number of women in political and public life, especially in leadership and decision-making positions. It also notes with concern that the persistence of stereotypical and patriarchal attitudes, which view men as natural leaders, may preclude women from seeking positions of leadership.

310. **The Committee recommends that the State party take measures to increase the number of women in decision-making positions at all levels and in all areas, in the light of general recommendation 23 on women in political and public life. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, to strengthen its efforts to promote women to positions of leadership, including in the diplomatic service. To that end, the Committee urges the State party to increase the availability of training programmes and to enhance its awareness-raising campaigns aimed at underlining the importance of women's participation in decision-making at all levels.**

311. The Committee, while noting the existence of laws and policies in many areas, including the National Policy on Women and related sectoral policies, strategies and programmes, is concerned at the lack of evaluation of the impact of such policies and of effective monitoring mechanisms, as well as a dearth of data and information disaggregated by sex on the results achieved.

312. **The Committee calls on the State party to include, in its next report, statistical data and analysis disaggregated by sex on the impact of its policies for the achievement of gender equality and the implementation of the provisions of the Convention.**

313. **The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article**

**20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

314. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report, due in 2006, under article 18 of the Convention.**

315. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Second World Assembly on Ageing, the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.**

316. **The Committee requests the wide dissemination of the present concluding comments in Nigeria in order to make the people of Nigeria, in particular government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women, and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".**

## 6. Combined fourth, fifth and sixth periodic report

### Belarus

317. The Committee considered the combined fourth, fifth and sixth periodic report of Belarus (CEDAW/C/BLR/4-6) at its 643rd and 644th meetings, on 23 January 2004 (see CEDAW/C/SR.643 and 644).

### Introduction by the State party

318. In introducing the report, the representative of Belarus noted that the combined report covered the period from 1994 to 2001, and discussed the National Plan of Action for 1996-2000, the national programme entitled "Women of the Republic of Belarus" and institutional and administrative measures to guarantee the equal rights of men and women. Attention was drawn to new or amended legislation, including the civil code (1999), the code on marriage and family (1999) and the labour code (2000). The national gender policy for 2000-2004 had been based on the concluding comments adopted by the Committee upon its consideration of the third periodic report of Belarus. In October 2003, Belarus had adopted a domestic law on ratification of the Optional Protocol to the Convention.

319. A National Council on Gender Policy had been established under the Council of Ministers in May 2000. The National Plan of Action for the period 2001-2005 had been drawn up in accordance with the Beijing Platform for Action and the concluding comments of the Committee. Local authorities were entrusted with the development of special programmes to promote women's employment, protect women's health and secure their reproductive rights. The further development of gender statistics allowed for a comparative gender analysis. The representative highlighted the positive impact of the social partnership between women's public associations and government structures on the status of women.

320. The share of women in decision-making positions had been growing. For example, in the 2000-2001 elections, the percentage of women in the National Assembly had increased from 4.5 per cent to 12.7 per cent. Owing to a quota system for the Council of the National Assembly, women now held 28.1 per cent of the Council's seats. Women constituted 44.4 per cent of the membership of local councils in 2003, but that percentage had decreased at higher levels of decision-making.

321. Unemployed women had access to professional services as well as psychological and social support, including job fairs, the employment promotion fund, paid public work and professional training for marketable professions, including for potential self-employment. Jobs for women had also been generated. In 2003, 59.4 per cent of unemployed women had received professional training, and women had received 55.5 per cent of State loans and subsidies. The Labour Code contained regulations concerning work by women and workers with family obligations, as well as parental leave. Families with under-age dependants were more economically vulnerable and received various forms of financial subsidies and benefits.

322. Turning to questions of health, the representative identified a number of challenges, including widespread alcoholism, drug addiction, tuberculosis and sexually transmitted diseases. There were also a number of positive developments, however, including an improved ability to diagnose gynaecological diseases, including tumours, the development of the reproductive health protection system and the greater availability of information on family planning and reproductive health, as well as a decrease in the number of abortions and an increase in the use of modern contraceptives. While the lack of financial resources was a major obstacle in fighting the spread of HIV/AIDS, a number of measures had been taken to prevent mother-to-child transmission of HIV.

323. Violence against women was one of the main challenges to achieving gender equality. Some 30 per cent of women in Belarus experienced domestic violence and 12 per cent were subjected to sexual harassment in the workplace. Perpetrators of domestic violence were now registered and were subject to various forms of sanction and punishment. Victims of domestic violence received psychological assistance. Belarus had ratified the United Nations Convention against Transnational Organized Crime and the three Optional Protocols thereto, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and had adopted a programme to prevent traffic in persons and prostitution for the period 2002-2007.

324. Among the obstacles to improving the status of women were the lack of financial resources, the persistence of gender stereotypes and the lack of men's

involvement in the work on gender equality. The representative noted that, although the country had no discriminatory legislation, legislative guarantees were not always fully implemented. In conclusion, the representative assured the Committee of the readiness of the delegation for a constructive dialogue

### Concluding comments of the Committee

### Introduction

325. The Committee commends the State party for its combined fourth, fifth and sixth periodic report, which complies with the Committee's guidelines for the preparation of periodic reports. It expresses appreciation for the written replies to the issues and questions raised by the Committee's pre-session working group, noting that not all the questions were answered. The Committee appreciates the oral presentation by the State party, which provided additional information on the current situation with regard to the implementation of the Convention in Belarus.

326. The Committee welcomes the State party's delegation and appreciates the constructive dialogue held between the delegation and the members of the Committee.

327. The Committee notes with satisfaction that government action, including the national plan of action for gender equality for the period 2001-2005, is placed within the context of the implementation of the Beijing Platform for Action and the concluding comments of the Committee.

328. The Committee welcomes the steps taken by the State party to ratify the Optional Protocol to the Convention.

### Positive aspects

329. The Committee commends the State party for the legislative reforms in support of the goal of gender equality, including the marriage and family code of 1999, the civil code of 1999, the labour code of 2000 and the criminal code of 2001. The Committee welcomes the efforts of the State party to review existing legislation and to enact new legislation in conformity with international standards, particularly the Convention on the Elimination of All Forms of Discrimination against Women. The Committee welcomes the intention of the State party to elaborate and adopt a new law on gender equality.

330. The Committee commends the State party for the amendments to the Citizenship Act of October 1991, which grant women equal rights with men with respect to the nationality of children and with respect to the procedure for acquiring, changing or retaining nationality.

331. The Committee welcomes the increase in representation of women in the House of Representatives of the National Assembly and in the local councils of deputies. It also welcomes the use of a quota-based principle in forming the National Assembly's Council of the Republic.

332. The Committee welcomes the increase in the number of women members of the Supreme Court. It notes with satisfaction the high numbers of women judges and lawyers.

### Principal areas of concern and recommendations

333. The Committee expresses concern that, while article 22 of the Constitution states that all citizens have the right, without any discrimination, to equal protection of their rights, the Constitution does not contain a prohibition of discrimination on the basis of sex or an explicit provision on gender equality.

334. **The Committee urges the State party to include in its Constitution a provision prohibiting discrimination on the basis of sex or an explicit provision on gender equality.**

335. While noting the incorporation in a number of laws of provisions prohibiting discrimination on the basis of sex, the Committee expresses concern that the State party has not yet adopted a law on gender equality.

336. **The Committee encourages the speedy elaboration and adoption of a law on gender equality that includes a definition of direct and indirect discrimination according to the Convention and a basis for applying temporary special measures according to article 4, paragraph 1, of the Convention and general recommendation 25.**

337. The Committee is concerned that the State party lacks a holistic approach to policies and programmes aimed at achieving women's equality with men, including mainstreaming a gender perspective in all areas.

338. **The Committee recommends that the State party ensure a holistic approach to all policies and programmes devoted to achieving equality between women and men. The Committee recommends that gender-mainstreaming in all public institutions, policies and programmes be introduced through gender training and the creation of focal points. The Committee requests the State party to include in its next periodic report sex-disaggregated data in all areas of the Convention.**

339. **The Committee is concerned about the persistence of stereotypes relating to the roles and responsibilities of women and men in society, which tend to place responsibility for child-rearing primarily on women. Such stereotypes undermine women's social status and are an obstacle to the full implementation of the Convention.**

340. **The Committee urges the State party to intensify its efforts to eliminate stereotypical attitudes and perceptions regarding men's and women's roles and responsibilities in all areas of society. It urges the State party to encourage men to share family responsibilities and direct its awareness-raising programmes to both women and men. It also recommends that the State party encourage the media to promote a positive image of women and of the equal status and responsibilities of women and men in both the private and public spheres.**

341. The Committee is concerned that there is insufficient awareness of the Convention and the procedures for its application and enforcement, as well as of women's human rights in general, including among the judiciary, law enforcement personnel and women themselves.

342. **The Committee urges the State party to introduce education and training programmes on the Convention, in particular for parliamentarians, the judiciary, the police and other law enforcement personnel. It recommends that**

**awareness-raising campaigns targeted at women be undertaken to enhance women's awareness of their human rights and to ensure that women can avail themselves of procedures and remedies for violations of their rights under the Convention.**

343. The Committee is concerned about the insufficient cooperation of the authorities with non-governmental organizations and women's associations in the implementation of the Convention. The Committee is further concerned about the lack of an enabling environment for the establishment and operation of women's non-governmental organizations and for encouraging the more active involvement of civil society in promoting gender equality.

344. **The Committee urges the State party to cooperate more effectively with non-governmental organizations and women's associations in the implementation of the Convention, including follow-up to the concluding comments. The Committee recommends that the State party consult with non-governmental organizations during the preparation of the next periodic report. The Committee also recommends that the State party enable the establishment and operation of women's non-governmental organizations, and encourage and facilitate the active participation of civil society in the full implementation of the Convention and the promotion of women's human rights.**

345. While recognizing the establishment of the National Council on Gender Policy in 2000, the Committee expresses its concern that the national machinery for the advancement of women does not have sufficient visibility, decision-making power or financial and human resources to effectively promote the advancement of women and gender equality. While noting that a decision was adopted in 2003 to renew the Council's composition, the Committee is concerned about the suspension of the work of the Council over the past few years.

346. **The Committee recommends that the State party strengthen the existing national machinery in order to make it more effective by providing it with adequate visibility, decision-making power and human and financial resources at all levels and enhancing coordination among the existing mechanisms at the national and local levels for the advancement of women and the promotion of gender equality.**

347. While noting that a draft law on the prevention and suppression of domestic violence has been elaborated, the Committee expresses concern about the increasing incidence of violence against women in Belarus, including domestic violence.

348. **The Committee urges the State party to place high priority on implementing comprehensive measures to address violence against women in the family and in society, in accordance with its general recommendation 19. The Committee calls upon the State party to enact the draft law on the prevention and suppression of domestic violence and to ensure that violence against women is prosecuted and punished with the required seriousness and speed. Women victims of violence should have immediate means of redress and protection, including protection orders and access to legal aid, as well as accessible shelters in sufficient numbers and with adequate funding. The Committee also recommends that the State party ensure that public officials, especially the police and other law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence**

**against women. The Committee invites the State party to take awareness-raising measures to prevent and combat violence against women through the media and public education programmes. The Committee requests the State party to provide in its next periodic report information on the measures taken.**

349. While recognizing the efforts made by the State party to address the issue of trafficking in women and girls, including provisions on trafficking in persons in the new Criminal Code and the adoption of the national programme of comprehensive measures to prevent traffic in persons and prostitution for the period 2002-2007, the Committee remains concerned about the problem of trafficking in women in Belarus and about the lack of detailed data and information on the phenomenon.

350. **The Committee urges the State party to intensify its efforts to combat trafficking in women and girls. It recommends the strengthening of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers, as well as social support, rehabilitation and reintegration measures for women and girls who have been victims of trafficking. It calls on the Government to ensure more severe punishment of traffickers, and to ensure that trafficked women and girls have the support they need so that they can provide testimony against their traffickers. It recommends that training of border police and law enforcement officials provide them with the requisite skills to recognize and provide support for victims of trafficking. The Committee requests the State party to provide in its next report comprehensive information and data on trafficking in women and girls. The Committee also requests the State party to provide information on the measures taken to address the causes of trafficking and to combat this phenomenon, and on the impact of these measures.**

351. The Committee expresses concern about the situation of women in the labour market, which is characterized, in spite of women's high level of education, by high female unemployment, the concentration of women in low-paid sectors of public employment, such as health and education, and the wage gap between women and men, in both the public and private sectors. The Committee is concerned that the State party's labour laws, which are overly protective of women as mothers and restrict women's participation in a number of areas, may create obstacles to women's participation in the labour market, in particular in the private sector, and perpetuate gender role stereotypes.

352. **The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, inter alia, temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25. The Committee urges the State party to intensify its efforts to ensure that all job generation and poverty alleviation programmes are gender-sensitive, and that women can fully benefit from all programmes to support entrepreneurship. It recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men through, inter alia, additional wage increases in female-dominated sectors of public employment. The Committee recommends that the State party conduct regular reviews of legislation, in accordance with article 11, paragraph 3, of the Convention, with a view to reducing the number of barriers women face in the labour market.**

353. The Committee is concerned about the feminization of poverty, particularly among vulnerable groups of women, such as those heading households, older women and rural women.

354. **The Committee requests the State party to ensure that all poverty alleviation programmes fully benefit women, according to their needs, and to provide in its next periodic report information on the measures taken to improve the economic situation of women, particularly those belonging to vulnerable groups.**

355. The Committee is concerned about the general decline in the status of women's health, as well as the decline in women's access to health services. The Committee is also concerned at the continuing use of abortion as a primary method of birth control, teenage pregnancy, the deterioration of the health of pregnant women and the spread of sexually transmitted diseases, including HIV/AIDS. The Committee is concerned at the continuing negative impact of the Chernobyl disaster on women's health.

356. **The Committee recommends the full implementation of a holistic, life cycle approach to women's health, including access to affordable health care, the financial and organizational strengthening of family planning programmes and the provision of wide access to contraceptives for all women and men, in accordance with its general recommendation 24 on women and health. It urges the State party to reinforce programmes of sexual and reproductive education for both girls and boys in order to foster responsible sexual behaviour and further discourage abortion as a means of birth control. The Committee requests the State party to provide in its next periodic report more information and data on the prevalence of, and measures taken against, sexually transmitted diseases, including HIV/AIDS, among women, as well as on the efforts of the State party to further address the impact of the Chernobyl disaster on women.**

357. While recognizing an increase in the representation of women in the House of Representatives of the National Assembly, in the local councils of deputies and on the Supreme Court, as well as the use of a quota-based principle in forming the National Assembly's Council of the Republic, the Committee remains concerned about the underrepresentation of women in elected and appointed bodies, particularly at high levels and in decision-making positions, including the diplomatic service.

358. **The Committee urges the State party to strengthen and implement measures to increase the representation of women in elected and appointed bodies through, inter alia, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in order to implement women's right to equal participation in all areas of public life, particularly at high levels of decision-making. The Committee recommends that the State party fully utilize general recommendation 23, concerning women in public life. It also recommends that the State party increase its efforts in offering or supporting capacity-building programmes for current and future women leaders and carry out awareness-raising campaigns regarding the importance of women's equal participation in political and public decision-making.**

359. The Committee is concerned about the lack of information in the report on minority women and the scarce data on migrant and older women.

360. **The Committee requests the State party to provide in its next periodic report information and data on minority, migrant and older women, including their economic, employment and health situation.**

361. **The Committee encourages the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee, without delay.**

362. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report, due in 2006, under article 18 of the Convention.**

363. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing, the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.**

364. **The Committee requests that the present concluding comments be widely disseminated in Belarus in order to make the people of Belarus, in particular government officials and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and the further steps required in this regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

## 7. Fifth periodic report

### Germany

365. The Committee considered the fifth periodic report of Germany (CEDAW/C/DEU/5) at its 640th and 641st meetings, on 21 and 22 January 2004 (see CEDAW/C/SR.640 and 641).

### Introduction by the State party

366. In introducing the report, the representative of Germany noted that the fifth periodic report gave an overview of the equality policy pursued by the Government since 1998, and drew attention to the ongoing dialogue with non-governmental organizations. The Convention now enjoyed unprecedented priority in the German

Parliament, which in 2003 had discussed a report under the Convention for the first time.

367. Turning to recent developments, the representative drew attention to the Government's Plan of Action to combat violence against women at all levels, which constituted the first comprehensive approach to the issue and was aimed at achieving structural change. The Plan's effective implementation required close cooperation between the Federal Government and the Länder, and among Federal ministries. The Federal Act to Protect against Violence aimed at providing quick protection for victims of violence, including court protection against offenders. A survey had highlighted the need for other types of support and advice for victims also. While the responsibility for establishing such a support infrastructure rested with the Federal Länder and municipalities, the right to a life free of violence was a political priority for the Federal Government. The Federal Ministry for Women had commissioned an evaluation of the Employee Protection Act of 1994 in regard to prevention of sexual harassment at work, which had clarified some of the obstacles to its effective implementation. The findings would be taken into account in the forthcoming reform of the Act in the wake of the transposition of the European Union's anti-discrimination directives.

368. With regard to the question of trafficking in women, a national working group had been established which acted as a steering body for the implementation of the Plan of Action, and good progress had been made in institutionalizing cooperation between various levels of government and other service providers. The Migration Act, which implemented a European Council directive providing, inter alia, short-term residence permits for victims of trafficking, consolidated the residence status of victims of trafficking in human beings. The Act, together with the strengthening of support measures, provided significant protection for victims.

369. Since 1999, gender mainstreaming was the guiding principle of the Federal Government's political action. The strategy was implemented through measures and pilot projects in almost all the departments of the Federal administration. A Gender Competence Centre had recently been inaugurated at Humboldt University in Berlin to support the implementation of gender mainstreaming in all areas of society. Germany had successfully advocated for the establishment of a dual strategy for an equality policy within the European Union, consisting of gender mainstreaming and of a traditional policy for the advancement of women. Germany's development cooperation was an illustration of a successful use of that dual track strategy and, in 2002, €37.4 million had been committed for gender mainstreaming and for women-specific projects in support of women's rights.

370. The reform policy of the Federal Government, contained in its Agenda 2010, introduced far-reaching reforms in areas such as economics, labour, finances and education. The interests of women and families had been brought to bear especially in regard to labour market reforms, and the impact of the reforms on women would be carefully followed. The representative also mentioned several past key measures, such as the Equal Opportunities Act for the Public Service, the introduction of parental leave, the legal claim to part-time employment, the reform of the Works Constitution Act, and the Job-Aqtiv Act aimed at promoting women's enrolment in employment promotion activities. The representative stressed her special concern about the labour market prospects for women in eastern Germany.

371. To achieve equal opportunities in employment, the conflicts of interest between family life and work still had to be resolved. The Government cooperated with relevant stakeholders to convince enterprises of the economic benefits of measures enabling workers to reconcile family life and work. The evaluation of activities implemented under the agreement of 2001 between the Federal Government and the Central Associations of German Business to promote equal opportunities for women and men would be presented shortly. The Government also promoted the self-employment of women as a priority within its strategy in support of medium-sized companies. The representative pointed out that the employment rate of women had reached 58.8 per cent in 2002 and the target of 60 per cent would be reached before 2010.

372. While Germany was ranked among the top 30 per cent of European countries in granting financial benefits to families, it was last in line with regard to provision of childcare and education facilities. Until 2010, a series of measures were planned to create needs-based facilities for children of all ages. While schools, day care and nurseries were the responsibility of the Länder and municipalities, the Federal Government had earmarked €4 billion for the establishment of all-day schools.

373. In conclusion, the representative noted that she had only highlighted some major aspects in regard to the implementation of the Convention and looked forward to the dialogue with the Committee on those and other issues.

### Concluding comments of the Committee

#### Introduction

374. The Committee commends the State party for the timely submission of its fifth periodic report, which complies with the Committee's guidelines for the preparation of periodic reports. It also commends the State party on the written replies to the issues and questions of the pre-session working group and its oral presentation, which focused on recent developments in the country and further clarified the status of implementation of the Convention.

375. The Committee commends the State party for sending a high-level delegation, headed by the Parliamentary State Secretary to the Federal Minister for Family Affairs, Senior Citizens, Women and Youth. The Committee appreciates the constructive dialogue held between the delegation and the members of the Committee.

376. The Committee commends the State party for the withdrawal of the reservation to article 7 (b) of the Convention, which the State party had made upon ratification.

377. The Committee also commends the State party for objecting to reservations entered by other States parties that it considers incompatible with the object and purpose of the Convention.

#### Positive aspects

378. The Committee notes with appreciation the extensive network of institutions and mechanisms for gender equality at all levels of government, and the wide range of policies and programmes covering many areas of the Convention. It also notes with appreciation the integrated approach to gender mainstreaming and the recent inauguration of the Gender Competence Centre to support the introduction and

implementation of gender mainstreaming at various levels, including business, politics and administration.

379. The Committee notes with appreciation that the State party has ratified the Optional Protocol to the Convention and has accepted the amendment to article 20, paragraph 1, of the Convention, relating to the Committee's meeting time.

380. The Committee commends the State party for adopting a substantial number of laws and amendments with a view to improving the legal position of women, including the Act Amending the Aliens Act, providing for an independent right of residence for foreign spouses in the event of separation after two years of cohabitation in Germany or earlier under the hardship clause; the Federal Act on Implementing the Concept of Equal Opportunities between Women and Men, which allows preference to be given to women under certain conditions in areas where women are underrepresented; the Act to Protect against Violence, which provides for court orders against offenders, including violent partners, and the Job-Aqtiv Act, which expands specific labour market policy measures for women.

381. The Committee is pleased to note the active role played by non-governmental organizations working on gender equality and their cooperation with the State party, including through regular consultations, membership in supradepartmental working parties, contribution to the legislative process and membership in the German delegation to the Commission on the Status of Women since the twenty-third special session of the General Assembly.

382. The Committee welcomes the State party's policy of integrating a gender dimension into its development cooperation programmes and promoting women's human rights in that framework.

383. The Committee notes with appreciation that the fifth periodic report of the State party had been discussed in Parliament (the Bundestag).

### Principal areas of concern and recommendations

384. The Committee is concerned about the continuation of pervasive stereotypical and conservative views of the role and responsibilities of women and men. It is also concerned that women are sometimes depicted by the media and in advertising as sex objects and in traditional roles.

385. **The Committee recommends that policies be strengthened and programmes implemented, including awareness-raising and educational campaigns directed at women and men, and specifically at media and advertising agencies, to help ensure the elimination of stereotypes associated with traditional roles in the family and the workplace, and in society at large. It also recommends that the media be encouraged to project a positive image of women and that concerted efforts be made to change men's and society's perception of women as sex objects.**

386. While acknowledging that a comprehensive plan of action has been implemented and noting that the results of a survey on violence against women are expected to become available later in 2004, the Committee regrets the limited data and information available with regard to the scope of violence against women, including domestic violence, the nature of the violence and the age and ethnicity of victims.

387. **The Committee urges the State party to provide in its next periodic report data and information on the nature and scope of violence against women, including within the family and any new forms of violence against women; including migrant women. The Committee also encourages the State party to continue its efforts to implement policies, plans and programmes aimed at combating violence against women.**

388. While noting the agreement to promote the equal opportunities of women and men in private industry, the Committee expresses concern at the high level of long-term unemployment of women, the increase in the number of women in part-time work and in low-paid and low-skilled jobs, the continuing wage discrimination women face and the discrepancy between their qualifications and occupational status. The Committee is also concerned that, notwithstanding the adoption of new regulations in the Child-raising Benefits Act, men seem to continue to resist taking parental leave.

389. **The Committee calls upon the State party to intensify its efforts to increase women's de facto equal opportunities in the labour market, including their access to full-time employment, inter alia, through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, and to promote equal pay for work of equal value. The Committee recommends that the State party continue to monitor the impact of regulations on part-time work and on parental leave and increase incentives, as necessary, so as to counteract the possible adverse consequences of part-time work for women, especially in regard to their pension and retirement benefits, and to encourage fathers to make greater use of parental leave.**

390. The Committee is concerned that the Convention has not received the same degree of visibility and importance as regional legal instruments, particularly European Union directives, and is therefore not cited regularly as the legal basis for measures, including legislation, for the elimination of discrimination against women and the advancement of women in the State party.

391. **The Committee urges the State party to place greater emphasis on the Convention as a legally binding human rights instrument in its efforts to achieve the goal of gender equality. It also urges the State party to take proactive measures to enhance awareness of the Convention, in particular among parliamentarians, the judiciary and the legal profession at both the Federal level and the level of the Länder.**

392. The Committee expresses concern that some aspects of the Federal Government's reform policy, Agenda 2010, might have a particularly negative impact on women.

393. **The Committee recommends that the State party study and carefully monitor the impact of its economic and social reforms on women at all stages of planning, implementation and evaluation so as to introduce changes where necessary to counteract possible negative effects.**

394. The Committee is concerned about the situation of migrant and minority women, including Sinti and Roma women, who suffer from multiple forms of discrimination based on sex, ethnic or religious background and race, and at the vulnerability of some of these women to trafficking and sexual exploitation. The

Committee regrets the lack of specific information provided in the reports with regard to their access to health, employment and education, as well as various forms of violence committed against them and, in particular, data and information about forced marriages. The Committee is also concerned about the situation of some foreign women domestic workers in the households of diplomats.

395. **The Committee urges the State party to take effective measures to eliminate discrimination against migrant and minority women, both in society at large and within their communities, and to respect and promote their human rights, through effective and proactive measures, including awareness-raising programmes. The Committee recommends that the State party continue to undertake research on the situation of migrant and minority women and girls, and to provide the Committee with adequate data and information on their situation in the next periodic report, including in regard to trafficking and sexual exploitation, and on prevention and rehabilitation measures targeted at these groups. The Committee also recommends that the State party intensify efforts to protect the human rights of foreign women domestic workers in diplomatic households.**

396. While appreciating that women's participation in political life has exceeded the critical threshold of 30 per cent, the Committee is concerned that women are underrepresented in the higher echelons of several other sectors of public life, particularly in the civil service, the diplomatic service, science and research and academia.

397. **The Committee calls on the State party to take steps to facilitate increased access of women to high-level positions. It recommends the adoption of proactive measures to remove existing obstacles and, where necessary, to implement temporary special measures, as provided for in article 4, paragraph 1, of the Convention.**

398. The Committee expresses concern that some references to "temporary special measures" in the report of the State party indicate a lack of a clear understanding of article 4, paragraph 1, of the Convention.

399. **The Committee recommends that, in preparing its next report, the State party take account of the Committee's general recommendation 25, on article 4, paragraph 1, of the Convention.**

400. While acknowledging that the Act Regulating the Legal Situation of Prostitutes aimed at the improvement of the legal and social protection has come into force, the Committee remains concerned at the exploitation of prostitutes.

401. **The Committee recommends that the State party monitor the Act and provide, in its next report, an assessment of its effects. The Committee recommends the implementation of programmes that offer a wide range of alternative means of earning a livelihood, thereby discouraging women from entering into prostitution, as well as rehabilitation programmes to help them. The Committee also recommends the implementation of educational and information programmes on the human rights issues involved in the exploitation of prostitution.**

402. While noting that numerous studies and surveys were commissioned following the consideration of the combined second and third periodic report and the fourth

periodic report, the Committee expresses concern that it has been provided with few results or outcomes in time for its consideration of the fifth periodic report.

403. **The Committee requests the State party to provide, in its next report, information on the results obtained from such studies and surveys with regard to the impact of laws, policies, plans and programmes aimed at achieving gender equality.**

404. **The Committee recommends that the State party consult with women's non-governmental organizations during the preparation of the next periodic report.**

405. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next report, due in 2006, under article 18 of the Convention.**

406. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing, the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.**

407. **The Committee requests the wide dissemination in Germany of the present concluding comments in order to make the people of Germany, in particular government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

# Chapter V

## Activities carried out under the Optional Protocol to the Convention

408. Article 12 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women provides that the Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the Protocol.

### A. Action taken by the Committee in respect of issues arising from article 2 of the Optional Protocol

409. The Committee took note of the report of the Working Group on Communications under the Optional Protocol and of the decisions adopted by the Working Group (see annex III to the present report).

### B. Action taken by the Committee in respect of issues arising from article 8 of the Optional Protocol

410. In accordance with article 8, paragraph 1, of the Optional Protocol, if the Committee receives reliable information indicating grave or systematic violations by a State party of rights set forth in the Convention, the Committee shall invite that State party to cooperate in the examination of the information and, to that end, to submit observations with regard to the information concerned.

411. In accordance with rule 77 of the Committee's rules of procedure, the Secretary-General shall bring to the attention of the Committee information that is or appears to be submitted for the Committee's consideration under article 8, paragraph 1, of the Optional Protocol.

412. The Committee continued its work under article 8 of the Optional Protocol during the period under review. In accordance with the provisions of rules 80 and 81 of the Committee's rules of procedure, all documents and proceedings of the Committee relating to its functions under article 8 of the Optional Protocol are confidential and all the meetings concerning its proceedings under that article are closed.

# Chapter VI

## Ways and means of expediting the work of the Committee

413. The Committee considered agenda item 7, ways and means of expediting the work of the Committee, at its 629th and 647th meetings, on 12 and 30 January 2004 and in closed meetings.

### Action taken by the Committee under agenda item 7

#### Members of the pre-session working group for the thirty-first and thirty-second sessions

414. The Committee decided that the members of the pre-session working group for the thirty-first session should be:

Pramila Patten
Rosario Manalo
Göran Melander
Yolanda Ferrer Gómez

415. The Committee decided that the members of the pre-session working group for the thirty-second session and their alternates should be:

*Members*

Dorcas Ama Frema Coker-Appiah
Françoise Gaspard
Aída González Martínez
Victoria Popescu
Heisoo Shin

*Alternates*

Yolanda Ferrer Gómez
Salma Khan
Fatima Kwaku
Dubravka Šimonovic
Maria Regina Tavares da Silva

#### Dates of the thirty-first session, the meeting of the pre-session working group for the thirty-second session and the fourth session of the Working Group on Communications under the Optional Protocol

416. In accordance with the draft calendar of conferences and meetings for 2004, the thirty-first session of the Committee will be held from 6 to 23 July 2004. The pre-session working group for the thirty-second session will meet from 26 to 30 July 2004. The Working Group on Communications under the Optional Protocol will hold its fourth session from 30 June to 2 July 2004.

### Dates of the thirty-second session, the meeting of the pre-session working group for the thirty-third session, and the fifth session of the Working Group on Communications under the Optional Protocol

417. In accordance with the draft calendar of conferences and meetings for 2005, the thirty-second session of the Committee will be held from 10 to 28 January 2005. The pre-session working group for the thirty-third session will meet from 31 January to 4 February 2005. The Working Group on Communications under the Optional Protocol will hold its fifth session from 31 January to 4 February 2005.

### Reports to be considered at future sessions of the Committee

418. The Committee decided to consider the following reports at its thirty-first and thirty-second sessions:

(a) *Thirty-first session*

(i) Initial, second and third periodic reports

Angola

Malta

Latvia

(ii) Second, third, fourth and fifth periodic report

Equatorial Guinea

(iii) Fifth periodic reports

Bangladesh

Dominican Republic

Spain

(iv) Follow-up report

Argentina

(b) *Thirty-second session*

(i) Initial reports

Samoa (combined initial, second and third report)

Laos (combined initial, second, third, fourth and fifth report)

(ii) Periodic reports

Algeria (second periodic report)

Croatia (combined second and third periodic report)

Gabon (combined second, third, fourth and fifth periodic report)

Italy (combined fourth and fifth periodic report)

Paraguay (combined third and fourth periodic report)

Turkey (combined fourth and fifth periodic report)

### United Nations meetings to be attended by the Chairperson or members of the Committee in 2004

419. The Committee recommended that the Chairperson or an alternate attend the following meetings in 2004:

(a) The forty-eighth session of the Commission on the Status of Women;

(b) The sixtieth session of the Commission on Human Rights;

(c) The third inter-committee meeting of the human rights treaty bodies, to be held at Geneva on 21 and 22 June 2004 (to be attended by the Chairperson and two members of the Committee);

(d) The sixteenth meeting of the chairpersons of human rights treaty bodies, to be held from 23 to 25 June 2004;

(e) The fifty-ninth session of the General Assembly (Third Committee and the commemorative event for the twenty-fifth anniversary of the adoption of the Convention by the General Assembly).

### Enhancing the Committee's working methods under article 18 of the Convention

#### Consideration of reports of States parties

420. The Committee continued its consideration of measures to enhance the effectiveness of its working methods. In particular, it discussed the option of considering periodic reports submitted under article 18 of the Convention in parallel working groups, on the basis of a background note prepared by the secretariat on the implications and possible modalities of this option (CEDAW/C/2004/I/4/Add.2). Other alternatives, such as extending the Committee's two annual sessions by one week each, and holding exceptional (third) sessions, were also mentioned. The Committee was informed that, at the beginning of its thirtieth session, the reports of a total of 33 States parties were awaiting consideration, not including those that would be taken up at that session, and that 14 reports had been received by the secretariat since the closure of the Committee's twenty-ninth session. The Committee was concerned that the significant number of reports awaiting consideration and the related delay in their consideration itself constituted a disincentive for States parties to report in a timely manner. It also was aware that, in future, time would have to be allocated, during its annual sessions, for the implementation of its mandate under the Optional Protocol to the Convention. The Committee agreed to consider further its working methods at the informal meeting to be held in May at Utrecht, the Netherlands (see below), where it would give further consideration to the modalities of considering periodic reports in parallel working groups.

#### Informal meeting of the Committee

421. The Committee welcomed with appreciation the invitation of the Government of the Netherlands to hold an informal meeting from 5 to 7 May 2004 at Utrecht, the Netherlands. It expressed its gratitude to Cornelis Flinterman for his initiative in obtaining that invitation, and his willingness to prepare the meeting, in coordination with the secretariat. It was agreed that the major focus of the meeting would be the Committee's working methods. In particular, the Committee would discuss

consideration of reports of States parties; concluding comments; the option of meeting in parallel working groups for consideration of periodic reports; and expanded core document and harmonized reporting guidelines. Time would also be set aside for a brainstorming session on the content and approach for the Committee's next general recommendation, on article 2. The Committee entrusted its Chairperson, in coordination with Mr. Flinterman and the secretariat, with the task of preparing the organization of work. It requested the secretariat to prepare a background note on the items included in the agenda of the informal meeting in order to facilitate the discussion.

### Implementation of the Committee's strategy to encourage States parties to report in accordance with article 18 of the Convention

422. In follow-up to its closed meeting held on 16 July 2003 with States parties whose reports were more than five years overdue, and in further clarification of its incremental measures to encourage reporting, including the letter addressed by the Chairperson to those 29 States whose initial reports were more than five years overdue as at 18 July 2003,[2] the Committee noted that a few States had submitted their initial reports. Several others had informed either the Chairperson or the secretariat of the status of preparation of their reports. The Committee decided to further assess the situation with regard to non-submission of initial reports at its thirty-first session, and to postpone, for the time being, the follow-up meeting planned for the thirty-first session with those States whose initial reports would be more than five years overdue as of May 2004. Further action in that regard would also be influenced by the Committee's ability to consider reports received within a reasonable period of time.

### Overview of the Committee's working methods

423. The Committee agreed to include in its annual report an overview of its current working methods in order to make these more transparent and readily accessible to States parties and others interested in the implementation of the Convention, including United Nations organizations, programmes and funds as well as civil society organizations (see part two, annex X).

### Statement on the situation of women in Iraq

424. The Committee discussed recent developments concerning the situation of women in Iraq, and in particular action taken by the Governing Council, and adopted a statement (see annex II to the present report). The Committee requested its Chairperson to transmit the statement to the Secretary-General of the United Nations, and to issue it as a press release of the Committee.

### Request for a combined second and third periodic report

425. The Committee expressed its disappointment that no reply had been received from the Government of India in response to the Committee's request at its last session. The Committee therefore decided to request the Government once again to provide the anticipated date of submission of its combined second and third periodic

---

[2] See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38* (A/57/38), part two, para. 369, and ibid., *Fifty-eighth Session, Supplement No. 38* (A/58/38), part two, paras. 453-456.

report (due on 8 August 1998 and 8 August 2002, respectively), including information on the events in Gujarat and their impact on women. The Committee also decided that its Chairperson would request a meeting with the Permanent Representative of India to the United Nations while attending the forty-eighth session of the Commission on the Status of Women in March 2004 to seek clarification from the Government on the status of the preparation of the said report.

### Twenty-fifth anniversary of the adoption of the Convention

426. The Committee supported the proposal of its Chairperson that the twenty-fifth anniversary of the adoption of the Convention by the General Assembly should be commemorated with an event at an appropriate level of visibility during the fifty-ninth session of the General Assembly. Such an event should provide an opportunity to highlight the progress made in the implementation of the Convention and the Committee's contribution to those efforts, but also to indicate that universal enjoyment by all women of their human rights remains a goal far from being achieved. The Committee requested its secretariat to plan and implement such an event.

# Chapter VII

## Implementation of article 21 of the Convention

427. The Committee considered agenda item 6, on the implementation of article 21 of the Convention, at its 629th and 647th meetings, on 12 and 30 January 2004, and in closed meetings.

### Action taken by the Committee under agenda item 6

#### General recommendation 25, on article 4, paragraph 1, of the Convention

428. The Committee took note with appreciation of the revised draft of the Committee's general recommendation on article 4, paragraph 1, of the Convention, on temporary special measures, which had been completed by Ms. Schöpp-Schilling, Ms. Patten and Mr. Flinterman. The Committee thanked the drafting group, in particular Ms. Schöpp-Schilling, for the efforts towards the finalization of the text, and adopted the draft, as further revised (see annex I to the present report).

#### Future work on general recommendations

429. The Committee reviewed its procedure for the preparation of general recommendations,[3] its long-term programme of work, and topics that had been identified for elaboration of general recommendations. The Committee agreed that the next general recommendation would be on article 2 of the Convention and that work thereon would commence at the thirty-first session, in July 2004. Accordingly, the first stage of the process, that is, general discussions and exchange of views on the subject of the proposed general recommendation during an open meeting of the Committee, would be held at the thirty-first session. Specialized agencies and other United Nations bodies, as well as non-governmental organizations, would be encouraged to participate in the discussion and to prepare informal background papers as appropriate. The secretariat was requested to make the decision widely known so as to facilitate the contributions of those entities to the preparatory work.

---

[3] See *Official Records of the General Assembly, Fifty-second Session, Supplement No. 38* (A/52/38/Rev.1), part two, para. 480.

# Chapter VIII

## Provisional agenda for the thirty-first session

430. The Committee considered the draft provisional agenda for its thirty-first session at its 647th meeting (see CEDAW/C/SR.647). The Committee decided to approve the following provisional agenda for the session:

1. Opening of the session.
2. Adoption of the agenda and organization of work.
3. Report of the Chairperson on activities undertaken between the thirtieth and thirty-first sessions of the Committee.
4. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
5. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.
6. Ways and means of expediting the work of the Committee.
7. Activities of the Committee under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
8. Provisional agenda for the thirty-second session.
9. Adoption of the report of the Committee on its thirty-first session.

# Chapter IX

## Adoption of the report

431. The Committee considered the draft report on its thirtieth session (CEDAW/C/2004/I/L.1 and CEDAW/C/2004/I/CRP.3 and Add.1-8) at its 647th meeting (see CEDAW/C/SR.647) and adopted it as orally revised during the discussion.

# Annex I

## General recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures

### I. Introduction

1. The Committee on the Elimination of Discrimination against Women decided at its twentieth session (1999), pursuant to article 21 of the Convention, to elaborate a general recommendation on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women. This new general recommendation would build, inter alia, on earlier general recommendations, including general recommendation No. 5 (seventh session, 1988), on temporary special measures, No. 8 (seventh session, 1988), on the implementation of article 8 of the Convention, and No. 23 (sixteenth session, 1997), on women in public life, as well as on reports of States parties to the Convention and on the Committee's concluding comments on those reports.

2. With the present general recommendation, the Committee aims to clarify the nature and meaning of article 4, paragraph 1, in order to facilitate and ensure its full utilization by States parties in the implementation of the Convention. The Committee encourages States parties to translate this general recommendation into national and local languages and to disseminate it widely to the legislative, executive and judicial branches of government, including their administrative structures, as well as civil society, including the media, academia, and human rights and women's associations and institutions.

### II. Background: the object and purpose of the Convention

3. The Convention is a dynamic instrument. Since the adoption of the Convention in 1979, the Committee, as well as other actors at the national and international levels, have contributed through progressive thinking to the clarification and understanding of the substantive content of the Convention's articles and the specific nature of discrimination against women and the instruments for combating such discrimination.

4. The scope and meaning of article 4, paragraph 1, must be determined in the context of the overall object and purpose of the Convention, which is to eliminate all forms of discrimination against women with a view to achieving women's de jure and de facto equality with men in the enjoyment of their human rights and fundamental freedoms. States parties to the Convention are under a legal obligation to respect, protect, promote and fulfil this right to non-discrimination for women and to ensure the development and advancement of women in order to improve their position to one of de jure as well as de facto equality with men.

5. The Convention goes beyond the concept of discrimination used in many national and international legal standards and norms. While such standards and norms prohibit discrimination on the grounds of sex and protect both men and women from treatment based on arbitrary, unfair and/or unjustifiable distinctions,

the Convention focuses on discrimination against women, emphasizing that women have suffered, and continue to suffer, from various forms of discrimination because they are women.

6. A joint reading of articles 1 to 5 and 24, which form the general interpretative framework for all of the substantive articles of the Convention, indicates that three obligations are central to States parties' efforts to eliminate discrimination against women. These obligations should be implemented in an integrated fashion and extend beyond a purely formal legal obligation of equal treatment of women with men.

7. Firstly, States parties' obligation is to ensure that there is no direct or indirect[a] discrimination against women in their laws and that women are protected against discrimination — committed by public authorities, the judiciary, organizations, enterprises or private individuals — in the public as well as the private spheres by competent tribunals as well as sanctions and other remedies. Secondly, States parties' obligation is to improve the de facto position of women through concrete and effective policies and programmes. Thirdly, States parties' obligation is to address prevailing gender relations[b] and the persistence of gender-based stereotypes that affect women not only through individual acts by individuals but also in law, and legal and societal structures and institutions.

8. In the Committee's view, a purely formal legal or programmatic approach is not sufficient to achieve women's de facto equality with men, which the Committee interprets as substantive equality. In addition, the Convention requires that women be given an equal start and that they be empowered by an enabling environment to achieve equality of results. It is not enough to guarantee women treatment that is identical to that of men. Rather, biological as well as socially and culturally constructed differences between women and men must be taken into account. Under certain circumstances, non-identical treatment of women and men will be required in order to address such differences. Pursuit of the goal of substantive equality also calls for an effective strategy aimed at overcoming underrepresentation of women and a redistribution of resources and power between men and women.

9. Equality of results is the logical corollary of de facto or substantive equality. These results may be quantitative and/or qualitative in nature; that is, women enjoying their rights in various fields in fairly equal numbers with men, enjoying the same income levels, equality in decision-making and political influence, and women enjoying freedom from violence.

10. The position of women will not be improved as long as the underlying causes of discrimination against women, and of their inequality, are not effectively addressed. The lives of women and men must be considered in a contextual way, and measures adopted towards a real transformation of opportunities, institutions and systems so that they are no longer grounded in historically determined male paradigms of power and life patterns.

11. Women's biologically determined permanent needs and experiences should be distinguished from other needs that may be the result of past and present discrimination against women by individual actors, the dominant gender ideology, or by manifestations of such discrimination in social and cultural structures and institutions. As steps are being taken to eliminate discrimination against women, women's needs may change or disappear, or become the needs of both women and

men. Thus, continuous monitoring of laws, programmes and practices directed at the achievement of women's de facto or substantive equality is needed so as to avoid a perpetuation of non-identical treatment that may no longer be warranted.

12. Certain groups of women, in addition to suffering from discrimination directed against them as women, may also suffer from multiple forms of discrimination based on additional grounds such as race, ethnic or religious identity, disability, age, class, caste or other factors. Such discrimination may affect these groups of women primarily, or to a different degree or in different ways than men. States parties may need to take specific temporary special measures to eliminate such multiple forms of discrimination against women and its compounded negative impact on them.

13. In addition to the Convention on the Elimination of All Forms of Discrimination against Women, other international human rights instruments and policy documents adopted in the United Nations system contain provisions on temporary special measures to support the achievement of equality. Such measures are described in different terminology, and the meaning and interpretation given to such measures also differs. It is the Committee's hope that the present general recommendation on article 4, paragraph 1, will contribute to a clarification of terminology.[c]

14. The Convention targets discriminatory dimensions of past and current societal and cultural contexts which impede women's enjoyment of their human rights and fundamental freedoms. It aims at the elimination of all forms of discrimination against women, including the elimination of the causes and consequences of their de facto or substantive inequality. Therefore, the application of temporary special measures in accordance with the Convention is one of the means to realize de facto or substantive equality for women, rather than an exception to the norms of non-discrimination and equality.

## III. The meaning and scope of temporary special measures in the Convention

***Article 4, paragraph 1***

*Adoption by States parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.*

***Article 4, paragraph 2***

*Adoption by States parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.*

### A. Relationship between paragraphs 1 and 2 of article 4

15. There is a clear difference between the purpose of the "special measures" under article 4, paragraph 1, and those of paragraph 2. The purpose of article 4, paragraph 1, is to accelerate the improvement of the position of women to achieve

their de facto or substantive equality with men, and to effect the structural, social and cultural changes necessary to correct past and current forms and effects of discrimination against women, as well as to provide them with compensation. These measures are of a temporary nature.

16. Article 4, paragraph 2, provides for non-identical treatment of women and men due to their biological differences. These measures are of a permanent nature, at least until such time as the scientific and technological knowledge referred to in article 11, paragraph 3, would warrant a review.

### B. Terminology

17. The *travaux préparatoires* of the Convention use different terms to describe the "temporary special measures" included in article 4, paragraph 1. The Committee itself, in its previous general recommendations, used various terms. States parties often equate "special measures" in its corrective, compensatory and promotional sense with the terms "affirmative action", "positive action", "positive measures", "reverse discrimination", and "positive discrimination". These terms emerge from the discussions and varied practices found in different national contexts.[d] In the present general recommendation, and in accordance with its practice in the consideration of reports of States parties, the Committee uses solely the term "temporary special measures", as called for in article 4, paragraph 1.

### C. Key elements of article 4, paragraph 1

18. Measures taken under article 4, paragraph 1, by States parties should aim to accelerate the equal participation of women in the political, economic, social, cultural, civil or any other field. The Committee views the application of these measures not as an exception to the norm of non-discrimination, but rather as an emphasis that temporary special measures are part of a necessary strategy by States parties directed towards the achievement of de facto or substantive equality of women with men in the enjoyment of their human rights and fundamental freedoms. While the application of temporary special measures often remedies the effects of past discrimination against women, the obligation of States parties under the Convention to improve the position of women to one of de facto or substantive equality with men exists irrespective of any proof of past discrimination. The Committee considers that States parties that adopt and implement such measures under the Convention do not discriminate against men.

19. States parties should clearly distinguish between temporary special measures taken under article 4, paragraph 1, to accelerate the achievement of a concrete goal for women of de facto or substantive equality, and other general social policies adopted to improve the situation of women and the girl child. Not all measures that potentially are, or will be, favourable to women are temporary special measures. The provision of general conditions in order to guarantee the civil, political, economic, social and cultural rights of women and the girl child, designed to ensure for them a life of dignity and non-discrimination, cannot be called temporary special measures.

20. Article 4, paragraph 1, explicitly states the "temporary" nature of such special measures. Such measures should therefore not be deemed necessary forever, even though the meaning of "temporary" may, in fact, result in the application of such measures for a long period of time. The duration of a temporary special measure

should be determined by its functional result in response to a concrete problem and not by a predetermined passage of time. Temporary special measures must be discontinued when their desired results have been achieved and sustained for a period of time.

21. The term "special", though being in conformity with human rights discourse, also needs to be carefully explained. Its use sometimes casts women and other groups who are subject to discrimination as weak, vulnerable and in need of extra or "special" measures in order to participate or compete in society. However, the real meaning of "special" in the formulation of article 4, paragraph 1, is that the measures are designed to serve a specific goal.

22. The term "measures" encompasses a wide variety of legislative, executive, administrative and other regulatory instruments, policies and practices, such as outreach or support programmes; allocation and/or reallocation of resources; preferential treatment; targeted recruitment, hiring and promotion; numerical goals connected with time frames; and quota systems. The choice of a particular "measure" will depend on the context in which article 4, paragraph 1, is applied and on the specific goal it aims to achieve.

23. The adoption and implementation of temporary special measures may lead to a discussion of the qualifications and merit of the group or individuals so targeted, and an argument against preferences for allegedly lesser-qualified women over men in areas such as politics, education and employment. As temporary special measures aim at accelerating the achievement of de facto or substantive equality, questions of qualification and merit, in particular in the area of employment in the public and private sectors, need to be reviewed carefully for gender bias as they are normatively and culturally determined. For appointment, selection or election to public and political office, factors other than qualification and merit, including the application of the principles of democratic fairness and electoral choice, may also have to play a role.

24. Article 4, paragraph 1, read in conjunction with articles 1, 2, 3, 5 and 24, needs to be applied in relation to articles 6 to 16 which stipulate that States parties "shall take all appropriate measures". Consequently, the Committee considers that States parties are obliged to adopt and implement temporary special measures in relation to any of these articles if such measures can be shown to be necessary and appropriate in order to accelerate the achievement of overall, or a specific goal of, women's de facto or substantive equality.

## IV. Recommendations to States parties

25. Reports of States parties should include information on the adoption, or lack thereof, of temporary special measures in accordance with article 4, paragraph 1, of the Convention, and States parties should preferably adhere to the terminology "temporary special measures", to avoid confusion.

26. States parties should clearly distinguish between temporary special measures aimed at accelerating the achievement of a concrete goal of women's de facto or substantive equality, and other general social policies adopted and implemented in order to improve the situation of women and the girl child. States parties should

bear in mind that not all measures which potentially are or would be favourable to women qualify as temporary special measures.

27. States parties should analyse the context of women's situation in all spheres of life, as well as in the specific, targeted area, when applying temporary special measures to accelerate the achievement of women's de facto or substantive equality. They should evaluate the potential impact of temporary special measures with regard to a particular goal within their national context and adopt those temporary special measures which they consider to be the most appropriate to accelerate the achievement of de facto or substantive equality for women.

28. States parties should explain the reasons for choosing one type of measure over another. The justification for applying such measures should include a description of the actual life situation of women, including the conditions and influences which shape their lives and opportunities — or that of a specific group of women, suffering from multiple forms of discrimination — and whose position the State party intends to improve in an accelerated manner with the application of such temporary special measures. At the same time, the relationship between such measures and general measures and efforts to improve the position of women should be clarified.

29. States parties should provide adequate explanations with regard to any failure to adopt temporary special measures. Such failures may not be justified simply by averring powerlessness, or by explaining inaction through predominant market or political forces, such as those inherent in the private sector, private organizations, or political parties. States parties are reminded that article 2 of the Convention, which needs to be read in conjunction with all other articles, imposes accountability on the State party for action by these actors.

30. States parties may report on temporary special measures under several articles. Under article 2, States parties are invited to report on the legal or other basis for such measures, and their justification for choosing a particular approach. States parties are further invited to give details about any legislation concerning temporary special measures, and in particular whether such legislation provides for the mandatory or voluntary nature of temporary special measures.

31. States parties should include, in their constitutions or in their national legislation, provisions that allow for the adoption of temporary special measures. The Committee reminds States parties that legislation, such as comprehensive anti-discrimination acts, equal opportunities acts or executive orders on women's equality, can give guidance on the type of temporary special measures that should be applied to achieve a stated goal, or goals, in given areas. Such guidance can also be contained in specific legislation on employment or education. Relevant legislation on non-discrimination and temporary special measures should cover governmental actors as well as private organizations or enterprises.

32. The Committee draws the attention of States parties to the fact that temporary special measures may also be based on decrees, policy directives and/or administrative guidelines formulated and adopted by national, regional or local executive branches of government to cover the public employment and education sectors. Such temporary special measures may include the civil service, the political sphere and the private education and employment sectors. The Committee further draws the attention of States parties to the fact that such measures may also be

negotiated between social partners of the public or private employment sector or be applied on a voluntary basis by public or private enterprises, organizations, institutions and political parties.

33. The Committee reiterates that action plans for temporary special measures need to be designed, applied and evaluated within the specific national context and against the background of the specific nature of the problem which they are intended to overcome. The Committee recommends that States parties provide in their reports details of any action plans which may be directed at creating access for women and overcoming their underrepresentation in certain fields, at redistributing resources and power in particular areas, and/or at initiating institutional change to overcome past or present discrimination and accelerate the achievement of de facto equality. Reports should also explain whether such action plans include considerations of unintended potential adverse side effects of such measures as well as possible action to protect women against them. States parties should also describe in their reports the results of temporary special measures and assess the causes of the possible failure of such measures.

34. Under article 3, States parties are invited to report on the institution(s) responsible for designing, implementing, monitoring, evaluating and enforcing such temporary special measures. Such responsibility may be vested in existing or planned national institutions, such as women's ministries, women's departments within ministries or presidential offices, ombudspersons, tribunals or other entities of a public or private nature with the requisite mandate to design specific programmes, monitor their implementation, and evaluate their impact and outcomes. The Committee recommends that States parties ensure that women in general, and affected groups of women in particular, have a role in the design, implementation and evaluation of such programmes. Collaboration and consultation with civil society and non-governmental organizations representing various groups of women is especially recommended.

35. The Committee draws attention to and reiterates its general recommendation No. 9, on statistical data concerning the situation of women, and recommends that States parties provide statistical data disaggregated by sex in order to measure the achievement of progress towards women's de facto or substantive equality and the effectiveness of temporary special measures.

36. States parties should report on the type of temporary special measures taken in specific fields under the relevant article(s) of the Convention. Reporting under the respective article(s) should include references to concrete goals and targets, timetables, the reasons for choosing particular measures, steps to enable women to access such measures, and the institution accountable for monitoring implementation and progress. States parties are also asked to describe how many women are affected by a measure, how many would gain access and participate in a certain field because of a temporary special measure, or the amount of resources and power it aims to redistribute to how many women, and within what time frame.

37. The Committee reiterates its general recommendations 5, 8 and 23, wherein it recommended the application of temporary special measures in the fields of education, the economy, politics and employment, in the area of women representing their Governments at the international level and participating in the work of international organizations, and in the area of political and public life. States parties should intensify, within their national contexts, such efforts especially

with regard to all facets of education at all levels as well as all facets and levels of training, employment and representation in public and political life. The Committee recalls that in all instances, but particularly in the area of health, States parties should carefully distinguish in each field between measures of an ongoing and permanent nature and those of a temporary nature.

38. States parties are reminded that temporary special measures should be adopted to accelerate the modification and elimination of cultural practices and stereotypical attitudes and behaviour that discriminate against or are disadvantageous for women. Temporary special measures should also be implemented in the areas of credit and loans, sports, culture and recreation, and legal awareness. Where necessary, such measures should be directed at women subjected to multiple discrimination, including rural women.

39. Although the application of temporary special measures may not be possible under all the articles of the Convention, the Committee recommends that their adoption be considered whenever issues of accelerating access to equal participation, on the one hand, and accelerating the redistribution of power and resources, on the other hand, are involved as well as where it can be shown that these measures will be necessary and most appropriate under the circumstances.

*Notes*

[a] Indirect discrimination against women may occur when laws, policies and programmes are based on seemingly gender-neutral criteria which in their actual effect have a detrimental impact on women. Gender-neutral laws, policies and programmes unintentionally may perpetuate the consequences of past discrimination. They may be inadvertently modelled on male lifestyles and thus fail to take into account aspects of women's life experiences which may differ from those of men. These differences may exist because of stereotypical expectations, attitudes and behaviour directed towards women which are based on the biological differences between women and men. They may also exist because of the generally existing subordination of women by men.

[b] "Gender is defined as the social meanings given to biological sex differences. It is an ideological and cultural construct, but is also reproduced within the realm of material practices; in turn it influences the outcomes of such practices. It affects the distribution of resources, wealth, work, decision-making and political power, and enjoyment of rights and entitlements within the family as well as public life. Despite variations across cultures and over time, gender relations throughout the world entail asymmetry of power between men and women as a pervasive trait. Thus, gender is a social stratifier, and in this sense it is similar to other stratifiers such as race, class, ethnicity, sexuality, and age. It helps us understand the social construction of gender identities and the unequal structure of power that underlies the relationship between the sexes." *1999 World Survey on the Role of Women in Development*, United Nations, New York, 1999, page ix.

[c] See, for example, the International Convention on the Elimination of All Forms of Racial Discrimination, which mandates temporary special measures. The practice of treaty monitoring bodies, including the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee, shows that these bodies consider the application of temporary special measures as mandatory to achieve the purposes of the respective treaties. Conventions adopted under the auspices of the International Labour Organization, and various documents of the United Nations Educational, Scientific and Cultural Organization also explicitly or implicitly provide for such measures. The Subcommission on the Promotion and Protection of Human Rights considered this question and appointed a Special Rapporteur to prepare reports for its consideration and action. The Commission on the Status of Women reviewed the use of temporary special measures in 1992.

The outcome documents adopted by United Nations world conferences on women, including the Platform for Action of the 1995 Fourth World Conference on Women and its follow-up review of 2000, contain references to positive action as a tool for achieving de facto equality. The use of temporary special measures by the Secretary-General of the United Nations is a practical example in the area of women's employment, including through administrative instructions on the recruitment, promotion and placement of women in the Secretariat. These measures aim at achieving the goal of 50/50 gender distribution at all levels, but at the higher echelons in particular.

[d] The term "affirmative action" is used in the United States of America and in a number of United Nations documents, whereas the term "positive action" is currently widely used in Europe as well as in many United Nations documents. However, the term "positive action" is used in yet another sense in international human rights law to describe "positive State action" (the obligation of a State to initiate action versus a State's obligation to abstain from action). Hence, the term "positive action" is ambiguous inasmuch as its meaning is not confined to temporary special measures as understood in article 4, paragraph 1, of the Convention. The terms "reverse discrimination" or "positive discrimination" are criticized by a number of commentators as inappropriate.

## nnex II

# Statement by the Committee on the Elimination of Discrimination against Women on the situation of women in Iraq

The Committee on the Elimination of Discrimination against Women, during its thirtieth session, held at United Nations Headquarters in New York from 12 to 30 January 2004, noted with concern recent developments with regard to the situation of women's human rights in Iraq. In particular, the Committee noted a decision by the Governing Council of Iraq dated 29 December 2003 to repeal existing civil statutes governing issues related to marriage, divorce, child custody and inheritance.

The Committee notes the fact that Iraq is a State party to the Convention on the Elimination of All Forms of Discrimination against Women. In this regard, the Committee, at its twenty-ninth session, held from 30 June to 18 July 2003, had already sent a letter to the then Special Representative of the Secretary-General for Iraq and United Nations High Commissioner for Human Rights, the late Sergio Vieira de Mello, on the need to take into consideration the Convention with regard to the situation of women in post-war Iraq.

The Committee welcomes the resolve of the international community to assist Iraq in the reconstruction process. The Committee calls upon all parties concerned to place special emphasis in all their actions and activities on the respect for and protection of international human rights standards and norms, in particular those that specifically guarantee the rights of women and girls, and which are an inalienable, integral and indivisible part of universal human rights. The Committee considers such emphasis essential to the development of Iraqi society.

The Committee wishes to emphasize that women must be full and equal participants in all post-war reconstruction activities and in all spheres of life of Iraqi society and its development, and in particular in the drafting of Iraq's new Constitution and any revision of its legislative framework. All legislative reforms and decisions of all responsible authorities in Iraq must conform fully with the Convention on the Elimination of All Forms of Discrimination against Women so as to ensure de jure and de facto equality between women and men, and their full enjoyment of all human rights and fundamental freedoms.

The Committee calls on the international community and all responsible authorities in Iraq to ensure full compliance with and implementation of all the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

# Annex III

## Report of the Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on its third session

1. The Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women held its third session from 7 to 9 January 2004. All members of the Working Group, except Aída González Martínez, attended. Hanna Beate Schöpp-Schilling continued to serve as Chairperson of the Working Group.

2. At its first meeting, the Working Group amended and adopted its agenda (see appendix).

### I. Summary of discussions

3. The Chief of the Women's Rights Section of the Division for the Advancement of Women introduced a note by the secretariat on steps taken and developments since the second session of the Working Group (CEDAW/C/2004/I/WGCOP/WP.1) and a background note on the practice of other human rights treaty bodies concerning interim measures (CEDAW/C/2004/I/WGCOP/WP.2).

4. The Working Group discussed correspondence that had been received by the secretariat since the second session. It indicated that, in future, the secretariat's note should provide more information about correspondence asserting claims against States parties to the Optional Protocol, including correspondence failing to meet prima facie admissibility requirements, and the secretariat's replies to authors. Files containing such correspondence should be easily accessible to members of the Working Group during its sessions.

5. The Working Group discussed further ways to disseminate information about the communications procedure under the Optional Protocol, including through national human rights institutions, national machineries for the advancement of women and non-governmental organizations.

6. The Working Group discussed the rules on the confidentiality of its proceedings and their applicability to the members of the Working Group and the Committee on the Elimination of Discrimination against Women on the one hand, and the author(s) and State party on the other. The Working Group agreed that, as stated in rule 74 of the rules of procedure, confidentiality requirements concerning information relating to the proceedings did not apply to the State party or the author(s), unless the Committee or Working Group requested otherwise, whereas members of the Committee or Working Group are required to maintain strict confidentiality.

7. The Working Group discussed rule 60 of the rules of procedure, particularly rule 60(1)(c) concerning the proscription upon a member taking part in the examination of a communication when she/he is a national of the State party concerned. The Working Group considered that a member of the Working Group

who is a national of the State party concerned may remain in the room during consideration of the relevant communication.

8. The Working Group agreed on procedures for its intersessional work in regard to new communications. In particular, the Working Group agreed that it would receive regular updates from the secretariat on correspondence that could be considered for registration. As a consequence, the Working Group confirmed that it would not appoint a rapporteur on new communications at the current stage. Decisions on intersessional registration of new communications would be taken following consultation via e-mail with members of the Working Group.

9. In discussing interim measures, the Working Group emphasized the need to obtain responses from States parties concerned within a specified time period.

10. The Working Group discussed pending communications, one of which had been registered since its last session.

## II. Decisions taken by the Working Group

11. The Working Group decided:

(a) That requests for interim measures shall include a request for a reply on steps taken from the State party concerned within a specified time period;

(b) To register its third communication.

12. The Working Group also decided to request the secretariat to do the following:

(a) To include in its regular report to the Working Group more information about correspondence received in the Division. That information should be provided in three categories: (i) correspondence in relation to States that are not parties to the Optional Protocol (the number of letters and the States to which they refer); (ii) correspondence failing to meet other prima facie admissibility requirements in regard to which no further correspondence with the author(s) is recommended; two staff members must concur on such a determination; and (iii) correspondence asserting claims against States parties to the Optional Protocol, in relation to which the secretariat sought further information from the author;

(b) To include in correspondence to authors and States parties a reference to the two annual sessions and the dates of the upcoming session of the Committee and Working Group;

(c) To disseminate the Convention, the Optional Protocol and the model communications form to national human rights institutions, national machineries for the advancement of women and national ombudspersons;

(d) To intensify and accelerate its efforts to ensure the effective functioning of the interactive database on communications between the Division and the Office of the United Nations High Commissioner for Human Rights;

(e) To continue to regularly provide summaries and other relevant documents to the members of the Working Group during the intersessional period.

13. The Working Group decided that the provisional agenda for its sessions would include the following items:

1. Adoption of the agenda and organization of work.
2. Review of steps and activities undertaken since the last session.
3. Review and discussion of working methods.
4. Update on communications.
5. Any other matters.
6. Adoption of the provisional agenda for the next session, including dates and duration, and of the report of the Working Group.

14. The Working Group confirmed that its next session would be held from 30 June to 2 July 2004.

## III. Further issues to be considered

15. The Working Group agreed to consider further the need for financial support to women who are unable to correspond in official United Nations languages when submitting complaints under the Optional Protocol.

# Appendix

## Agenda of the third session of the Working Group on Communications under the Optional Protocol

1. Adoption of the agenda and organization of work.
2. Discussion of note by the secretariat.
3. Review and discussion of working methods.
4. Update of communication 2/2003.
5. Update of communication 1/2003.
6. Any other matters.
7. Adoption of the report of the Working Group on its third session.

# Part two

# Report of the Committee on the Elimination of Discrimination against Women on its thirty-first session

# Letter of transmittal

August 2004

Sir,

I have the honour to refer to article 21 of the Convention on the Elimination of All Forms of Discrimination against Women, according to which the Committee on the Elimination of Discrimination against Women, established pursuant to the Convention, "shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities".

The Committee on the Elimination of Discrimination against Women held its thirty-first session at the United Nations Headquarters from 6 to 23 July 2004. It adopted its report on the session at its 665th meeting, on 23 July 2004. The report of the Committee is herewith submitted to you for transmission to the General Assembly at its fifty-ninth session.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Feride **Acar**
Chairperson
Committee on the Elimination of Discrimination against Women

# Chapter I

## Matters brought to the attention of States parties

### Decisions

**Decision 31/I**
**Request for extension of the meeting time of the Committee on the Elimination of Discrimination against Women**

The Committee on the Elimination of Discrimination against Women, recognizing that, as at 1 July 2004, 177 States had ratified or acceded to the Convention on the Elimination of All Forms of Discrimination against Women and that 62 of those States had also become party to its Optional Protocol, which provides for a communication and inquiry procedure; noting that the Committee on the Elimination of Discrimination against Women has significantly less annual meeting time than other human rights treaty bodies with comparable responsibilities, a circumstance that led the General Assembly, in its resolution 50/202 of 22 December 1995, to take note with approval of the amendment to article 20, paragraph 1, of the Convention, which was adopted by the States parties to the Convention on 22 May 1995 but which, despite the Committee's efforts, still awaits entry into force; noting also that, in the two years since the holding of the exceptional session in August 2002, which eliminated the significant number of reports of States parties that had awaited consideration by the Committee, a new backlog of reports of forty States parties has accumulated; expressing serious concern that the backlog of reports awaiting consideration constitutes in itself a disincentive for States to report in a timely manner, as the Convention requires them to do; noting the Committee's efforts to encourage States parties to submit their reports in a timely manner and, in this regard, expressing appreciation to States parties for doing so and for submitting their reports in accordance with the Committee's reporting guidelines; noting also the Committee's ongoing efforts to further enhance the efficiency and effectiveness of its working methods, and drawing attention to its most recent decisions to that effect; and emphasizing the urgent need to find a long-term solution that will allow the Committee to implement its responsibilities under the Convention and the Optional Protocol in an effective and timely manner as well as place the Committee on an equal footing with other human rights treaty bodies in regard to its meeting time:

(a) Requests the General Assembly to authorize the Committee to meet for an additional week at its thirty-third, thirty-fourth and thirty-fifth sessions (July 2005 and January and July 2006);

(b) Requests the General Assembly to authorize the Committee to hold three annual sessions of three weeks each, with a one-week pre-sessional working group for each session, effective from January 2007.

**Decision 31/II**

The Committee adopted a statement on the situation of women in Iraq (see part two, annex XI).

**Decision 31/III**

The Committee adopted a number of measures to further enhance and strengthen its working methods (see paragraph ____ a-j).

# Chapter II

## Organizational and other matters

### A. States parties to the Convention on the Elimination of All Forms of Discrimination against Women and to the Optional Protocol

1. As at 23 July 2004, the closing date of the thirty-first session of the Committee on the Elimination of Discrimination against Women, there were 177 States parties to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 34/180 of 18 December 1979 and opened for signature, ratification and accession in New York in March 1980. In accordance with article 27, the Convention entered into force on 3 September 1981. Forty-four States parties had accepted the amendment to article 20, paragraph 1, of the Convention, concerning the Committee's meeting time.

2. As at the same date, there were 62 States parties to the Optional Protocol to the Convention, which was adopted by the General Assembly in its resolution 54/4 of 6 October 1999 and opened for signature, ratification and accession in New York on 10 December 1999. In accordance with article 16, the Optional Protocol entered into force on 22 December 2000.

3. A list of States parties to the Convention is contained in part two, annex I, to the present report. A list of States parties that have accepted the amendment to article 20, paragraph 1, concerning the Committee's meeting time, is contained in part two, annex II. A list of States parties that have signed, ratified or acceded to the Optional Protocol is contained in part two, annex III.

### B. Opening of the session

4. The Committee held its thirty-first session at United Nations Headquarters from 6 to 23 July 2004. The Committee held 18 plenary meetings (648th to 665th) and held 10 meetings to discuss agenda items 4, 5, 6 and 7. A list of the documents before the Committee is contained in part two, annex IV to the present report.

5. The Chairperson of the Committee, Feride Acar, opened the session. Carolyn Hannan, Director of the Division for the Advancement of Women, Department of Economic and Social Affairs, and Officer-in-Charge of the Office of the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, made an opening statement.

6. In addressing the Committee at its 648th meeting, on 6 July 2004, the Director of the Division for the Advancement of Women welcomed members to the thirty-first session of the Committee. She informed the Committee that since its last session, in January 2004, two States had become parties to the Convention — Kiribati, on 17 March and Swaziland, on 26 March 2004, both without reservations — bringing the total number of States parties to the Convention to 177. There were 62 States parties to the Optional Protocol to the Convention and there had been an additional three ratifications since the last session, by Belarus, on 3 February, Belgium, on 17 June, and the Libyan Arab Jamahiriya, on 18 June 2004. Ireland had accepted the amendment to article 20, paragraph 1, of the Convention, on the Committee's meeting time, bringing the total number of acceptances to 44.

Two States parties had withdrawn reservations to the Convention. On 29 April 2004, Switzerland had withdrawn its reservation in respect of article 7 (b), and on 11 June 2004 Ireland had withdrawn its reservation to articles 13 (b) and (c).

7. The Director briefed the Committee on those results of the forty-eighth session of the Commission on the Status of Women that had a particular bearing on the work of the Committee or on the Convention. The Division had co-sponsored two panel discussions during the session of the Commission, focusing, respectively, on the role of Parliaments in the implementation of the Convention and on the Optional Protocol. She also reported on technical assistance activities implemented by the Division in support of the implementation of the Convention and timely reporting by States parties, including a training workshop for government officials from countries of the Caribbean region, which had been hosted by the Government of the Bahamas in May, and in which 13 countries of the region had participated. Judicial officers from 11 countries had participated in a judicial colloquium on the application of international human rights law at the domestic level, also hosted by the Government of the Bahamas, immediately prior to the training workshop. The Division had also collaborated with the Economic and Social Commission for Asia and the Pacific in a training workshop on reporting for countries of the Commonwealth of Independent States, held in Almaty, Kazakhstan, in May. Other measures to publicize the Convention and its Optional Protocol undertaken by the Division included briefings for indigenous organizations on the Optional Protocol as a mechanism to protect the human rights of indigenous women, held during the third session of the Permanent Forum on Indigenous Issues.

8. The Director concluded by reviewing the Committee's work for its thirty-first session. In addition to considering the reports of eight States parties, the Committee was expected to adopt agreements reached at its informal meeting held from 5 to 7 May 2004 in Utrecht, the Netherlands. It would continue its work under the Optional Protocol to the Convention and commence discussions on its next general recommendation, on article 2 of the Convention. The Committee would meet with non-governmental organizations and with representatives of entities of the United Nations system to hear information about the implementation of the Convention in the reporting States. The Director assured the Committee of the full support of the Division for the Advancement of Women in its work.

## C. Attendance

9. Twenty-two members of the Committee attended the thirty-first session. Victoria Popescu attended from 16 to 23 July, Fumiko Saiga from 7 to 20 July, Huguette Gnacadja from 7 to 23 July, and Göran Melander from 6 to 13 and from 21 to 23 July.

10. A list of the members of the Committee, indicating the duration of their terms of office, appears in part two, annex V to the present report.

## D. Election of the Rapporteur

11. At the 648th meeting, following the resignation from the Committee of Christine Kapalata, who had served as Rapporteur, the Committee elected by acclamation Fatima Kwaku to complete Ms. Kapalata's term as an officer of the

Committee, in accordance with article 19, paragraph 2, of the Convention and rule 20 of the Committee's rules of procedure.

## E. Adoption of the agenda and organization of work

12. The Committee considered the provisional agenda (CEDAW/C/2004/II/1) at its 648th meeting. The agenda was adopted as follows:

1. Opening of the session.
2. Adoption of the agenda and organization of work.
3. Report of the Chairperson on activities undertaken between the thirtieth and thirty-first sessions of the Committee.
4. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
5. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.
6. Ways and means of expediting the work of the Committee.
7. Activities of the Committee under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
8. Provisional agenda for the thirty-second session.
9. Adoption of the report of the Committee on its thirty-first session.

## F. Report of the pre-session working group

13. At its ninth session, the Committee decided to convene a pre-session working group for five days prior to each session to prepare lists of issues and questions relating to the periodic reports that would be considered by the Committee at the subsequent session. The pre-session working group for the thirty-first session of the Committee met from 3 to 5 February 2004.

14. The following members, representing regional groups, participated in the working group: Yolanda Ferrer Gómez (Latin America and the Caribbean), Rosario Manalo (Asia), Göran Melander (Western European and other States) and Pramila Patten (Africa). The pre-session working group elected Rosario Manalo its Chairperson.

15. The working group prepared lists of issues and questions relating to the reports of the following States parties: Bangladesh, the Dominican Republic, Equatorial Guinea and Spain.

16. At the 648th meeting, Ms. Manalo introduced the report of the pre-session working group (CEDAW/PSWG/2004/II/CRP.1 and Add.1-4).

## G. Organization of work

17. At the 648th meeting, the Chief of the Women's Rights Section of the Division for the Advancement of Women introduced item 5, "Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women", and item 6, "Ways and means of expediting the work of the Committee". Under item 5, three specialized agencies, namely, the Food and Agriculture Organization of the United Nations, the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization, had submitted reports in accordance with article 22 of the Convention (CEDAW/C/2004/I/1 and Add.1-3). Under item 6, a report on ways and means of expediting the work of the Committee (CEDAW/C/2004/II/4) summarized relevant developments since the Committee's previous session. Annex I to that report contained the agreements reached by the Committee at its informal meeting in Utrecht. Also before the Committee was a report on the status of submission of reports by States parties under article 18 of the Convention, including a list of reports that had been submitted but not yet considered by the Committee (CEDAW/C/2004/II/2). Those matters would be taken up by the Committee as a Working Group of the Whole.

18. On 6 July 2004, the Committee held a closed meeting with representatives of specialized agencies and bodies of the United Nations, which provided country-specific information, as well as information on the efforts made by the body or entity concerned to promote the provisions of the Convention at the national and regional levels through its own policies and programmes.

19. On 6 and 12 July, the Committee held informal public meetings with representatives of non-governmental organizations, who provided information about the implementation of the Convention in States reporting at the thirty-first session.

# Chapter III

## Report of the Chairperson on the activities undertaken between the thirtieth and thirty-first sessions

20. The Chairperson of the Committee, Feride Acar, thanked Ms. Hannan for her opening statement. She congratulated Ms. Kwaku on her appointment as Rapporteur of the Committee, and noted that Christine Kapalata had taken on an assignment as Political Affairs Officer for the United Nations Mission in Liberia, where she would make a significant contribution to the achievement of the Mission's mandate, as well as support the implementation of the Convention within the framework of her new duties.

21. The Chairperson briefed the Committee on her opening statement at the forty-eighth session of the Commission on the Status of Women, where she highlighted the Committee's consideration of the reports of eight States parties, the adoption of general recommendation 25 on article 4, paragraph 1, of the Convention, the plans for an informal meeting of the Committee on working methods, the Committee's proposals for the commemoration of the twenty-fifth anniversary of the adoption of the Convention by the General Assembly and the Committee's statement on the situation of women in Iraq. She also participated in a panel discussion on 2 March, together with parliamentarians from the Republic of Korea, Jordan and Uganda. The panel was hosted by the Division for the Advancement of Women and the Inter-Parliamentary Union and was chaired by one of the Commission's Vice-Chairpersons, Carmen-Rosa Arias of Peru. It focused on the role of parliamentarians in the implementation of the Convention. She also met with high-level participants, including the ministers for gender equality of the Republic of Korea, Pakistan and Norway. As had been decided by the Committee, the Chairperson met with representatives of the Permanent Mission of India to the United Nations.

22. Turning to her participation in the sixtieth session of the Commission on Human Rights, the Chairperson noted that while it had been an important chance to brief the Commission on the work of the Committee, her interaction with the Commission had not been fully satisfactory due to the timing and the severe restrictions on speaking time. The question of the effective participation of the Chairpersons of human rights treaty bodies in the Commission on Human Rights constituted a major agenda item of the sixteenth meeting of chairpersons of treaty bodies, held in Geneva from 23 to 25 June, where this matter was discussed at the meeting of the chairpersons with the expanded Bureau of the Commission. The chairpersons of the treaty bodies voiced their concern about the format of the present interaction with the Commission, which they considered to be less than satisfactory, while also recognizing the extreme time constraints imposed on the Commission. She pointed out that there was a commitment to find better modalities within existing constraints to enhance the exchange between the treaty bodies and the Commission on Human Rights.

23. Turning to the informal meeting of the Committee at the Netherlands Institute of Human Rights, in Utrecht, from 5 to 7 May 2004, the Chairperson expressed the Committee's gratitude and her personal appreciation to Cees Flinterman for the invitation, and through him, to the Government of the Netherlands, which had supported the meeting financially. The three-day meeting had allowed the Committee to focus on many difficult but critical aspects of its working methods in

a sustained and focused manner. The excursion to The Hague, on 8 May, where members were able to visit the International Court of Justice at the invitation of Judge Rosalyn Higgins, as well as the visit to the home of Akua Kuenyehia, a former member of the Committee on the Elimination of Discrimination against Women and First Vice-President of the International Criminal Court, was appreciated by all participants. The results of the Utrecht meeting would put the Committee on a solid path of continuing improvements in its working methods and ensure that the Committee was moving ahead in its well-established commitment to innovation, adaptation and change in support of the effective implementation of the Convention at the national level. The Chairperson highlighted in particular the Committee's proposals for an extension of its annual meeting time so as to enable it to discharge all its responsibilities in a timely manner. The much-deliberated agreement had been reached on the basis of the existing and potential reality of backlogs in the consideration of reports of States parties. The Committee felt very strongly that in order to ensure effective implementation of the Convention, the time lag between States parties' submission of reports and their consideration by the Committee should be minimized so as to make sure that the time lag did not become a disincentive for timely reporting by States. On the basis of this consideration and the fact that it would only be reasonable to bring the meeting time of the Committee up to par with that of other human rights treaty bodies — many of which have considerably fewer States parties — the Committee would adopt a decision seeking the General Assembly's approval of resources so that the Committee would be able to meet for an additional week at its thirty-third, thirty-fourth and thirty-fifth sessions, and in the long term, starting from 2007, the granting to the Committee three annual sessions of three weeks each, each preceded by a pre-session working group of one week.

24. Immediately following the Utrecht meeting, the Chairperson participated as the keynote presenter in a three-day training workshop for Government officials on the implementation of and reporting under the Convention for countries of the Commonwealth of Independent States region, in Almaty. Fifteen Government officials from six countries attended the meeting, which was organized by the Economic and Social Commission for Asia and the Pacific, in collaboration with the Division.

25. The Chairperson reported on her attendance at the third inter-committee meeting and the sixteenth meeting of chairpersons of human rights treaty bodies, from 21 to 25 June in Geneva. In highlighting some of the outcomes of the meetings, the Chairperson drew attention to the discussion of the Secretariat's report, with proposals for guidelines on an expanded core document and harmonized guidelines for reporting to all treaty bodies. She noted that the inter-committee meeting had approved in principle the basic structure and content of the proposed common core document, although it was clear that further work was required. As a consequence, the inter-committee meeting had recommended that the chairpersons forward the draft guidelines on an expanded core document and treaty-specific targeted reports to their respective committees for discussion as a priority item. The inter-committee meeting had also recommended the establishment of a mechanism for further consultations between the committees on the draft and other matters relating to the harmonization of their reporting guidelines during the coming year. Kamel Filali, a member of the Committee on the Rights of the Child, had been entrusted with the role of rapporteur on this issue.

26. The Chairperson called on the Committee to consider the relevant documents carefully and to hold an exchange of views so as to give preliminary indications to the Committee's three-member working group on the areas of the draft guidelines that the Committee would want to comment on. The Committee should adopt recommendations to the inter-committee meeting in January 2005, as the inter-committee meeting would consider at its session in 2005 a revised set of guidelines that would incorporate the comments of all treaty bodies.

27. In addition to the expanded core document and harmonized reporting guidelines, the inter-committee meeting and meeting of chairpersons followed up on the recommendations from the previous year. The Chairperson reported on progress that had been made with regard to several of those recommendations, including by the Committee on the Elimination of Discrimination against Women.

# Chapter IV

# Consideration of reports submitted by States parties under article 18 of the Convention

## A. Introduction

28. At its thirty-first session, the Committee considered the reports of eight States parties submitted under article 18 of the Convention: the combined initial, second and third periodic report of two States parties; the combined initial, second and third periodic report and the combined fourth and fifth periodic report of one State party; the combined second and third periodic report and the combined fourth and fifth periodic report of one State party; the fifth periodic report of three States parties; and the follow-up report to the fifth periodic report of one State party.

29. The Committee prepared concluding comments on each of the States parties' reports considered. The Committee's concluding comments, as prepared by members of the Committee, and a summary of the introductory presentations by the representatives of the States parties are set out below.

## B. Consideration of reports of States parties

### 1. Combined initial, second and third periodic report

### Latvia

30. The Committee considered the combined initial, second and third periodic report of Latvia (CEDAW/C/LVA/1-3) at its 659th and 664th meetings, held on 14 and 19 July 2004 (see CEDAW/C/SR.659 and 664).

**Introduction by the State party**

31. In introducing the combined initial, second and third periodic report of Latvia, the representative noted that Latvia had ratified numerous international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women which entered into force in May 1992. Women's rights were guaranteed through constitutional and legislative provisions. The Government had also taken steps to protect and promote gender equality in public policy and at all levels of administration. Parliamentary, ministerial and multidisciplinary bodies, councils and secretariats had also been established, and various programmes and policies were in place. Adoption by the Cabinet of Ministers of the Programme for the Implementation of Gender Equality (2005-2006) was anticipated in the near future.

32. The representative noted that since 1991, a gradual shift had taken place in traditional perceptions about gender stereotypes and equality. During recent years, women had been increasingly using their constitutional right to vote and to be elected. In the last legislative elections in 2002, the number of women who stood as candidates increased to 28.9 per cent of all candidates. Out of this number, 18 women had been elected to the eighth Saeima which had a total of 100 seats, and subsequently a number of them had been elected to chair commissions of the

Saeima. The post of President of Latvia, who was at the same time the Commander-in-Chief of the Armed Forces, was also held by a woman. Women held a number of ministerial posts within the Government, as well as the post of the Commissioner to the European Union (EU), and the posts of ambassadors and diplomats in the diplomatic service. The proportion of women in the State Civil Service was 40 per cent.

33. The Labour Law and Labour Protection Law protected women's equal right to work and safe working conditions and included the right to equal remuneration for work of equal value. The Labour Law also provided for the protection of pregnant women and working mothers and guaranteed paid maternity leave. Individuals had the right to seek remedies in court in cases where they believed that these rights had been violated. In addition, a number of other mechanisms, including the State Labour Inspectorate and the Latvian National Human Rights Office, supervised compliance with the provisions of the law.

34. Yet, in 2002, women had received an average of 81.5 per cent of men's remuneration. The representative suggested that this was due to the concentration of women in certain industries characterized by lower remuneration.

35. The representative also pointed to the growing concern about the gender-related nature of poverty. As retirement benefits were dependent upon and calculated proportionally to social insurance contributions, women generally received lower pensions. Women, especially those of pre-retirement age, were also at a greater risk of unemployment. Women with small children had greater difficulties finding well-paid jobs.

36. The quality of and access to health care had improved in Latvia, yet the available health-care services were not always satisfactory. The Law on Sexual and Reproductive Health had been adopted in 2002 and a number of national and community-based health-care centres provided specific services related to reproductive health care. A set of lectures for family doctors had been developed to address the prevention of sexually transmitted diseases. The representative stated that the rate of drug addiction and the spread of HIV/AIDS were rapidly increasing in Latvia.

37. The representative noted that Latvian law enforcement institutions had not always paid sufficient attention to the manifestations of physical violence inflicted on women in the family, nor had national laws recognized work- or family-based psychological violence. For a number of years, the Central Criminal Police Board had been actively cooperating with the crisis centre "Skalbes" through organizing educational and informative seminars for State police officers. There had been an increase in the number of female police officers, who had been trained on skills for communications with victims of sexual abuse.

38. Sex tourism and human trafficking had increased in Latvia. In 1992, Latvia had ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and the Programme for the Prevention of Human Trafficking (2004-2008) had been adopted by the Cabinet of Ministers. A series of additional measures had been undertaken including victim rehabilitation programmes and collaborative information seminars for potential victims, training for law enforcement personnel and strengthened international cooperation between law enforcement agencies.

39. In concluding, the representative noted that in academic year 2002/03, 61.7 per cent of students enrolled in higher educational institutions had been women. To implement the Programme of Gender Equality, the Ministry of Education and Science planned to develop methodological and teaching materials and to organize continuing education. Steps needed to be taken to eliminate gender stereotyping in textbooks.

## Concluding comments of the Committee

### *Introduction*

40. The Committee commends the State party's accession to the Convention without reservations. It expresses its appreciation to the State party for its combined initial, second and third periodic report, which, although long overdue, complied with the Committee's guidelines for the preparation of initial reports.

41. The Committee commends the State party on its delegation, made up of representatives of different ministries with responsibility for several areas of the Convention. It expresses appreciation to the State party for the oral presentation, which added new information on implementation of the Convention and placed the report within a historical and political context, and for the extensive written responses and further clarification to the questions orally posed by the Committee.

### *Positive aspects*

42. The Committee commends the State party for including in the Satversme (Constitution), chapter 8 on Fundamental Human Rights (enacted in October 1998), which stipulates that the State shall recognize and protect fundamental human rights under the Constitution, laws and international treaties to which Latvia is bound.

43. The Committee welcomes progress in legislative reform, in particular the Labour Law (1 June 2002) which prohibits direct and indirect discrimination, and regulates job advertisements, job interviews and issues of equal remuneration and liability for gender-based discrimination, and the Law on Sexual and Reproductive Health of the Population (1 July 2002), under which information on family health and welfare and family planning is made available.

44. The Committee notes with appreciation that, since 1999, a woman has held the highest public office, that of President. It also notes with appreciation that women parliamentarians chair the Parliament (Saeima) Commissions on Human Rights and Public Affairs, on the Implementation of the Citizenship Law, and on Social and Labour Affairs.

### *Principal areas of concern and recommendations*

45. The Committee expresses concern that, while the Constitution includes the prohibition of discrimination and the principle of equality, neither the definition of discrimination in article 1 of the Convention nor the principle of the equality of men and women as set forth in article 2 (a) of the Convention has been included in the Constitution or other appropriate legislation.

46. **The Committee recommends that a definition of "discrimination against women" in line with that set out in article 1 of the Convention and the principle of equality of men and women in line with article 2 (a) of the Convention be**

**included in the Constitution or other appropriate domestic legislation, including the new anti-discrimination law.**

47. Although international human rights treaties are directly applicable, the Committee is concerned that neither women in general, nor the judiciary or law enforcement personnel in particular are sufficiently familiar with the Convention and the opportunities for its application by domestic courts.

48. **The Committee calls upon the State party to take additional measures to disseminate information about the Convention and implement programmes for judges and lawyers that include the application of the Convention at the domestic level. It also recommends that sustained awareness-raising campaigns targeting women and non-governmental organizations working on women's issues be undertaken to encourage and equip women to avail themselves of procedures and remedies for violations of their rights under the Convention.**

49. The Committee is concerned that the Department on Social Policy Development at the Ministry of Welfare lacks sufficient power, visibility and human and financial means to effectively coordinate among the different mechanisms related to gender issues, including the Working Party on the Coordination of Gender Equality, the Gender Equality Council and the Parliamentary Subcommission on Gender Equality. It is also concerned that the apparent weakness of the national machinery for gender equality and the lack of a clear division of responsibilities may have a negative impact on efforts at gender mainstreaming and on the effective implementation of the Convention.

50. **The Committee recommends that the State party strengthen its national machinery for gender equality, clearly define the mandates and the responsibilities of the different mechanisms related to gender issues and the interaction among them, and allocate sufficient budgetary resources to them so as to ensure that they can fully and adequately perform all their functions.**

51. The Committee is concerned at the lack of a comprehensive gender equality law. The Committee is furthermore concerned that the State party's apparent hesitation in utilizing temporary special measures in accordance with article 4, paragraph 1, of the Convention may indicate a lack of understanding of the purpose of such measures and the reasons for their application.

52. **The Committee recommends that the State party adopt a comprehensive gender equality law. It furthermore recommends that the State party clearly distinguish between general social policies adopted to improve the situation of women and girls, such as the Programme for the Implementation of Gender Equality, and temporary special measures taken under article 4, paragraph 1, of the Convention to accelerate the achievement of a concrete goal for women of de facto equality, in line with general recommendation 25, in various areas of their lives.**

53. The Committee is concerned about the persistence of patriarchal attitudes and traditional stereotypes regarding the role of men and women in the family and in society at large. It is also concerned that efforts to eradicate negative stereotypes are not comprehensive and ongoing.

54. **The Committee recommends that the State party intensify its efforts, inter alia, by strengthening specific programmes directed at both women and men**

**and at the media, to change stereotypic roles and discriminatory attitudes and perceptions about the roles and responsibilities of women and girls and men and boys in the family and in society.**

55. The Committee regrets the lack of sufficient data and information with regard to the prevalence of violence against women, including domestic violence, and the lack of comprehensive legislation on violence against women. It is concerned that this may indicate that violence against women, particularly domestic violence, continues to be considered a private matter between the perpetrator and the victim. The Committee is concerned that marital rape is not a separate offence in the criminal code and that there are no available data on this form of domestic violence.

56. **The Committee urges the State party to strengthen its system of data collection disaggregated by sex and information on the nature and scope of violence against women, including within the family, and to include this information in its next periodic report. In the light of its general recommendation 19, the Committee urges the State party to place high priority on comprehensive measures to address violence against women in the family and in society, and to recognize that such violence, including domestic violence, constitutes a violation of the human rights of women under the Convention. The Committee calls upon the State party to adopt legislation on domestic violence and to ensure that violence against women is prosecuted and punished. Women victims of violence should have immediate means of redress and protection, including protection or restraining orders and access to legal aid. The Committee recommends that measures be taken to provide sufficient numbers of shelters for women victims of violence and to ensure that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women and can adequately respond to them. The Committee urges the State party to criminalize marital rape as a separate offence, prosecute offenders and provide data on this form of domestic violence in its next periodic report.**

57. While recognizing the legislative and other measures, including the adoption of the National Action Plan to Combat Trafficking in Persons of 2002, that have been taken to address the issue of trafficking in women and girls, including the establishment of a special police unit and the strengthening of international cooperation and the promotion of awareness-raising events, the Committee is concerned at the increase in trafficking in women and girls. It regrets that insufficient information is given as to the actual size of the problem.

58. **The Committee recommends the full implementation and funding of a national strategy to combat trafficking in women and girls, which should include the prosecution and punishment of offenders. The Committee also encourages the State party to pursue increased international, regional and bilateral cooperation with other countries of origin, transit and destination for trafficked women and girls. It recommends that the State party address the causes of trafficking and introduce measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers, education initiatives and social support, and rehabilitation and reintegration measures for women and girls who have been victims of trafficking, including special shelters for women victims of trafficking. The Committee further urges**

**the State party to make the issue of trafficking in women and girls a high priority and to include in its next report comprehensive information and data on the issue and on the impact of measures taken.**

59. The Committee is concerned about the lack of sufficient information and data on prostitution in Latvia. Moreover, the Committee is concerned about the involvement of under-age girls in prostitution, and the high demand for under-age prostitutes, as well as the reported insufficient rehabilitation and social integration services available to them.

60. **The Committee calls on the State party to take all appropriate measures to suppress exploitation of prostitution of women, including discouraging the demand for prostitution. The Committee calls upon the State party to ensure that under-age girl prostitutes are offered the support they need to be rehabilitated and reintegrated into society. The Committee also urges the development of programmes of action and the adoption of all appropriate measures to create educational and employment opportunities for young girls at risk of entering prostitution, and to combat and eradicate the exploitation of these young girls, including the prosecution of, and strong penalties for, those who exploit them.**

61. While welcoming the information that there has been a slight increase of women elected to the eighth Saeima (Parliament), the Committee is concerned that women's representation in that body is low. It is also concerned at the low representation of women in decision-making bodies in political and public life in general.

62. **The Committee recommends that the State party utilize temporary special measures in accordance with article 4, paragraph 1, of the Convention to increase the number of women at decision-making levels in both elected and appointed governmental bodies, and towards that end, to establish clear timetables and targets. It also recommends that the State party conduct, on a regular basis, awareness-raising campaigns regarding the importance of women's participation in political decision-making.**

63. The Committee is concerned about the limited efforts of the State party to involve women's non-governmental organizations in the preparation of the report. It is also concerned about a lack of transparency guiding interaction between the State party and non-governmental organizations as service providers, inter alia, with respect to funding of such services.

64. **The Committee recommends that the State party engage in a broader consultative process with women's non-governmental organizations, including organizations that represent minority women, when preparing its next periodic report. It also recommends that the State party develop widely accessible regulations on funding of women's non-governmental organizations as service providers, and apply the regulations with transparency.**

65. The Committee is concerned about gender stereotyping in textbooks and other teaching materials. The Committee also regrets that insufficient data disaggregated by sex have been provided with regard to the choices that both sexes make regarding vocational, scientific and technical training and higher education.

66. **The Committee recommends that the State party strengthen its efforts to eliminate gender stereotyping and encourage diversification of the educational choices of boys and girls through counselling. The Committee also requests that data disaggregated by sex with regard to educational choices be provided in the next periodic report.**

67. The Committee notes with concern that, despite law reform in the field of employment, the position of women in the labour market remains disadvantaged and is characterized by strong occupational segregation, a substantial wage gap, inter alia, between rural and urban areas, higher unemployment than that among men, and hidden gender discrimination in the workplace and in remuneration.

68. **The Committee recommends that efforts be made to eliminate occupational segregation and to ensure equal opportunities for women and men in the labour market in rural as well as in urban areas through, inter alia, the use of gender bias-free job evaluation and wage-setting schemes and temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that the State party design and implement special training and retraining programmes for different groups of unemployed women. It also recommends that effective measures allowing for the reconciliation of family and professional responsibilities be strengthened and that the sharing of domestic and family responsibilities between women and men be promoted. The Committee further requests the State party to include data and information on women in decision-making positions in both private and public companies.**

69. While noting a steady decrease in the number of abortions, the Committee is concerned that the abortion rate remains high.

70. **The Committee recommends that further measures be taken to guarantee effective access of women to health-care information and services, particularly regarding sexual and reproductive health, in order to prevent recourse to abortion and protect women from its negative health effects. It further recommends that programmes and policies be adopted to increase the knowledge of and access to contraceptive methods with the understanding that family planning is the responsibility of both partners.**

71. The Committee is concerned at the spread of HIV/AIDS, the increase in the infection rates of women and the absence of a strategic national plan to address the issue of HIV/AIDS and how it affects women.

72. **The Committee urges the State party to take comprehensive measures to combat the spread of HIV/AIDS, to take strong preventive measures and to ensure that women and girls infected with HIV/AIDS are not discriminated against and are given appropriate assistance. The Committee also recommends that sex education, particularly targeting adolescents, be made widely available, with special attention to the prevention and further control of HIV/AIDS.**

73. The Committee is concerned about the fact that insufficient information was provided on the situation of minority women, particularly from the Russian-speaking minority, and on that of older women.

74. **The Committee calls upon the State party to provide, in its next periodic report, a comprehensive picture of the situation of minority women, including data disaggregated by sex and nationality, in the areas of health, education and employment and citizenship. It also requests comprehensive information on older women's health and economic situation.**

75. **The Committee urges the State party to sign and ratify or accede to the Optional Protocol to the Convention and to deposit, as soon as possible, its instrument of acceptance of the amendment of article 20, paragraph 1, of the Convention on the meeting time of the Committee.**

76. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee encourages the State party to ensure the wide participation of all ministries, public bodies and entities in the preparation of the report. It further encourages the State party to involve the Parliament in a discussion of the report before its submission to the Committee.**

77. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (twenty-first special session), the special session of the General Assembly on children (twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Second World Assembly on Ageing, the Committee requests the State party to include in its next periodic report information on the implementation of aspects of those documents relating to relevant articles of the Convention.**

78. **The Committee notes that States' adherence to the seven major international human rights instruments, i.e. the International Covenant on Economic, Social and Cultural Rights (CESCR), the International Covenant on Civil and Political Rights (CCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC) enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Latvia to consider ratifying the treaty to which it is not yet a party, i.e. the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

79. **The Committee requests the wide dissemination in Latvia of the present concluding comments in order to make the people, in particular government officials and politicians, parliamentarians and women's non-governmental organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women as well as the further steps that are required in this regard. The Committee requests the State party to disseminate widely, in particular to women's and human rights organizations, the Convention, its**

**Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

## Malta

80. The Committee considered the combined initial, second and third periodic report of Malta (CEDAW/C/MLT/1-3) at its 656th and 663rd meetings, held on 13 and 19 July 2004 (see CEDAW/C/SR.656 and 663).

### Introduction by the State party

81. In introducing the report, the representative of Malta provided some general background about the country and stressed the commitment of the Government to the promotion of equality of women and men both in law and in practice. The present Government had focused on the realization of de facto equality for women, through measures in the areas of gender mainstreaming, the elimination of violence against women, women in decision-making, the reconciliation of work and family responsibilities and women's conditions of work. These areas had been included in the national plan of action drawn up by the then Commission for the Advancement of Women following the Fourth World Conference on Women, Beijing, 1995.

82. The representative stated that Malta was a party to several international human rights treaties, and had ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1991. It had entered reservations to articles 11, 13, 15 and 16, although some of these reservations had been superseded by subsequent legislative changes. Treaties and conventions did not automatically become part of the domestic law, and the Convention had not been incorporated into domestic law by legislation. The provisions of the Convention could therefore not be directly enforced by the Maltese Courts. However, the European Convention on the Protection of Human Rights and Fundamental Freedoms had been incorporated into domestic law in 1987, giving Maltese citizens the right to individually petition the European Court of Human Rights once domestic remedies had been exhausted.

83. The Constitution of Malta guaranteed the equality of men and women in the enjoyment of all economic, cultural, civil and political rights. In addition, a number of laws had been enacted to protect the rights of women and give support to articles in the Convention, including the Employment and Industrial Relations Act of 2002 and the Equality for Men and Women Act of 2003. Family legislation had been amended to grant to both spouses equal rights and responsibilities in marriage, including joint responsibility for children and the right to jointly administer property acquired during the marriage. Other laws that had been amended to remove discriminatory provisions included legislation regulating jury service, passport regulations, citizenship, income tax and social security. The laws were enforced by an independent judiciary. The Constitutional Court, which was the final appellate court of the land, had been instrumental in providing redress for human rights grievances. A Family Court had been established in 2003.

84. National machinery for the advancement of women comprised the Ministry for the Family and Social Solidarity and the National Commission for the Promotion of Equality for Men and Women. The Ministry was responsible for equality in Maltese

society, as well as social policy, family and child policy, social security and social housing. The National Commission for the Promotion of Equality for Men and Women played an active role in raising public awareness on gender equality, and collaborated and consulted with various bodies including trade unions and women's non-governmental organizations. It was also responsible for developing and monitoring policies related to gender equality, proposing measures for the elimination of discrimination against women, conducting general investigations, investigating individual complaints, and providing assistance to persons to enforce their right to gender equality.

85. Turning to women in decision-making positions, the representative noted that the proportion of women in Parliament and in the Cabinet remained low. Of a total of 65 members of Parliament, only 6 were women, while the proportion of women representatives in local councils stood at 17.6 per cent. Women constituted 17.35 per cent of the members of public bodies, including public boards and commissions appointed by the Prime Minister.

86. The representative highlighted several measures that had been taken to encourage women to join the labour market and to balance professional and family obligations. These measures included paid maternity leave, unpaid parental leave, career breaks for workers in the public sector, and the provision of kindergartens and summer school programmes for pupils in primary schools. Women constituted the majority of part-time workers, and pro rata leave benefits were extended to certain part-time workers. Employment legislation also prohibited discrimination against part-time workers.

87. The representative stated that, while Malta did not have specific legislation on violence against women, provisions in both the Civil and Criminal Codes recognized and criminalized specific forms of gender-based violence. In addition, a draft bill on domestic violence, placing constraints on perpetrators and affording protections to victims of domestic violence, was currently being considered. Sexual harassment was prohibited in several laws, including the Occupational Health and Safety (Promotion) Act of 1994 and the Equality for Men and Women Act of 2003.

## Concluding comments of the Committee

### *Introduction*

88. The Committee commends the State party for the submission of its combined initial, second and third periodic report, which, although delayed, provided comprehensive information. The Committee regrets that its guidelines for the preparation of initial reports were not fully complied with. It commends the State party on its oral presentation, which focused on recent developments and provided updated information on the status of implementation of the Convention. It expresses its appreciation for the responses to the questions posed by the Committee.

89. The Committee commends the State party for its delegation which was headed by the Executive Director of the National Commission for the Promotion of Equality for Men and Women and the constructive dialogue that took place between the delegation and the members of the Committee.

90. The Committee notes that reservations have been made by the State party to article 11, paragraph 1, articles 13 and 15, and article 16, paragraph 1 (e), of the Convention.

*Positive aspects*

91. The Committee notes with appreciation the extensive legal reform undertaken since the ratification of the Convention, including the Constitution and laws in the areas of women's legal status in the family, citizenship, employment, income tax, social security and sexual harassment. It particularly welcomes the adoption of the Code of Ethics for Public Officials (1994) and the passage of the Equality for Men and Women Act of 2003.

92. It commends the State party's holistic efforts, since the adoption of the Beijing Platform for Action, to mainstream gender into all activities of governmental departments, including the notion of accountability of high-level public officials for its implementation. It also notes with appreciation the establishment of the national machinery, including the newly created National Commission for the Promotion of Equality for Men and Women.

93. The Committee commends the State party for the creation of the Office of the Ombudsman whose mandate includes the consideration of complaints concerning discrimination on the grounds of sex.

94. The Committee commends the State party for its extensive social measures, particularly its strong support for the reconciliation of work and family responsibilities of women and men, inter alia, through State kindergartens that are free of charge for children between the ages of 3 and 5.

95. The Committee welcomes the State party's efforts in creating awareness on domestic violence and commends the establishment of the Domestic Violence Units, which provide support to victims of domestic violence.

96. The Committee notes with appreciation that the State party has accepted the amendment to article 20, paragraph 1, of the Convention, relating to the Committee's meeting time.

*Principal areas of concern and recommendations*

97. While noting that the Constitution and other domestic legislation stipulate equality between women and men and non-discrimination on the grounds of sex, the Committee is concerned that the comprehensive approach of the Convention covering all forms of discrimination in all fields has not been incorporated into domestic laws and thus is not directly applicable.

98. **The Committee urges the State party to take all necessary action to ensure that the provisions of the Convention are fully incorporated into domestic law. In order to ensure wide understanding and implementation of the Convention, the Committee recommends that the State party consider making the text of the Convention available in both Maltese and English. It also recommends that the State party continue to organize information and awareness-raising campaigns on a regular basis on the content of and obligations resulting from the Convention and the general recommendations of the Committee, with particular focus on the role of legislators, policy makers, senior public officials,**

**the judiciary, and the legal profession, in the implementation of the Convention. It also recommends that the impact of such campaigns be evaluated at regular intervals.**

99. While commending the State party for the legal reforms undertaken since the ratification of the Convention, the Committee is concerned about the reservations to article 11, paragraph 1, articles 13 and 15, and article 16, paragraph 1 (e), of the Convention.

100. **The Committee urges the State party to review its reservations and to expedite taking the necessary steps for their withdrawal especially since, in the light of new legislation and the general interpretation of the Convention, they may no longer be necessary.**

101. The Committee is concerned that the regulation requiring the Director of Social Security to determine the head of household may result in unintentional discrimination against women and may contradict civil law that gives parental authority to both parents.

102. **The Committee calls upon the State party to revisit this regulation, including the criteria on the basis of which the Director of Social Security determines the head of household, and to provide data in its next report on the percentage of married women who are the head of household.**

103. While the Committee appreciates the work undertaken by the various components of the national machinery for gender equality, it does not have a clear picture whether the existing human and financial resources are sufficient to enable the national machinery to fully comply with its mandate and objectives.

104. **The Committee calls upon the State party to provide, in its next report, detailed information on the results of the work undertaken by the national machinery for gender equality, including its role in mainstreaming gender perspectives into laws, and into programmes and policies of individual ministries, departments and public entities, on the results of the Strategic Policy Direction 2004-2006 and on the impact of the work of the National Commission for the Promotion of Equality for Men and Women on the non-discrimination of women.**

105. The Committee is concerned about the persistence of entrenched traditional stereotypes regarding the role and responsibilities of women and men in the family and society which, despite women's generally high level of education, negatively affect the full enjoyment of their rights and impede the full implementation of the Convention. Such stereotypes are reflected, inter alia, in women's low representation in the labour force, in their low participation in political and public life, and in the non-recognition of household work and volunteering in the national account statistics and in women's pension entitlements and social benefits.

106. **The Committee strongly recommends the organization of awareness-raising campaigns, on the basis of the Convention and the Committee's general recommendations, at regular intervals to foster a better understanding at all levels of society of the equal status and joint responsibilities of women and men in the family and in family care. These campaigns should be targeted at teachers in all educational establishments at all levels, marriage counsellors, the police force, social and health workers and church authorities, and the**

**impact of such campaigns should be evaluated. It also recommends that the media be encouraged to project positive images of women and men in non-traditional activities. It further encourages the State party to begin assessing the unpaid work done by women in the family in order to recognize such work in national account statistics and in pension entitlements and social benefits.**

107. While noting that the proportion of women represented in local councils as of June 2004 was 17.6 per cent, the Committee is concerned that they are significantly underrepresented at the national level in elected and appointed posts, in the judiciary, and in political decision-making, including the administration and the foreign service.

108. **The Committee encourages the State party to take sustained measures to increase the representation of women in elected and appointed bodies in all areas of the public sector and in the judiciary. The Committee recommends the utilization of temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 in all areas of public life including adequate measures with clearly defined goals and time-bound targets aimed at achieving balanced representation of women and men in general and at high levels of decision-making in particular. The Committee also suggests that the State party continue to offer leadership training programmes to women and carry out awareness-raising campaigns on women's participation in decision-making.**

109. The Committee is concerned that women are severely underrepresented in the labour market in general and in senior and decision-making positions in particular. Furthermore, the Committee notes with concern the strong occupational segregation, both horizontal and vertical, the concentration of women in part-time jobs, and the persistent wage gap between women and men. The Committee is also concerned about the lack of information on women working part-time for less than 20 hours, who seem to be less protected and seem to have access to fewer entitlements.

110. **The Committee urges the State party to ensure that women have de facto equal opportunities in the labour market. Efforts should be made to eliminate occupational segregation in the public and private sectors through skills training and encouraging women to work in non-traditional fields and by the utilization of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. The Committee further requests the State party to address the wage gap, inter alia, through job evaluation systems. Information should be provided in the next report on the percentage of women working part-time for less than 20 hours and on their legal protection and entitlement to social benefits.**

111. Noting that a significant number of women drop out of the labour market by age 25, the Committee is concerned about the lack of information regarding the number of women who want to re-enter the labour-market at a later stage in their lives as well as about the apparent lack of overall labour market policies for these women.

112. **The Committee recommends that the State party conduct thorough research on the current and future potential of women wanting to re-enter the labour market and to design, based on such research, a comprehensive policy**

**for counselling, training and retraining these women aimed at reintegrating them into the labour market.**

113. Given the low representation of women in the labour force, the Committee is concerned about the lack of information regarding the availability of childcare facilities for children under age 3 as well as information concerning the percentage of children aged 3 years or over attending kindergarten, and on whether the available facilities meet the needs of working parents. The Committee also lacks information on the implementation of plans for after-school care. The Committee is further concerned about the apparently insufficient opportunities for parents employed in the private sector to balance their employment and family responsibilities.

114. **The Committee urges the State party to provide more information in its next report on overall policies to assist parents in the reconciliation of family and work responsibilities through childcare facilities for children of all ages, and their implementation. The Committee further requests information on the situation of parents working in the private sector, as well as on the State party's plans to encourage the private sector to introduce measures supporting women and men in better balancing their employment and family responsibilities.**

115. The Committee notes with concern that the Domestic Violence Bill has been under discussion since March 2000. The Committee is also concerned that, under the Criminal Code, the crime of rape must be associated with violence and that rape as well as violent assault is considered in the Criminal Code under the title "Of Crimes against the Peace and Honour of Families and against Morals".

116. **In light of its general recommendation 19, the Committee urges the State party to give high priority to the adoption of the pending legislation on domestic violence, which is a form of discrimination against women and a violation of their human rights. The Committee calls upon the State party to define the crimes of rape and violent assault as crimes against the physical and mental integrity of women and as a form of discrimination that seriously inhibits women's ability to enjoy their human rights and fundamental freedoms on a basis of equality with men.**

117. The Committee is concerned about the paucity of data with regard to trafficking in women and girls and of any information on the State party's strategies for combating trafficking.

118. **The State party is encouraged to provide, in its next report, comprehensive information on the prevalence of trafficking in Malta as a country of transit and destination and, if required by the findings, on the State party's strategy for the prevention of trafficking in women and girls, the support and rehabilitation measures for victims, the prosecution and punishment of offenders, and its international, regional and bilateral cooperation with respect to combating trafficking.**

119. **The Committee urges the State party to ratify the Optional Protocol to the Convention.**

120. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in a results-oriented fashion in its next report under article 18 of the Convention. The Committee encourages**

the State party to ensure the wide participation of all ministries, public bodies and entities in the preparation of that report as well as a discussion of the report with non-governmental organizations. It further encourages the State party to consider involving the Parliament of Malta in the discussion of the report before its submission to the Committee.

121. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (twenty-first special session), the special session of the General Assembly on children (twenty-seventh special session), and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information in its next periodic report on the implementation of aspects of these documents relating to relevant articles of the Convention.

122. The Committee notes that States' adherence to the seven major international human rights instruments, i.e. the International Covenant on Economic, Social and Cultural Rights (CESCR), the International Covenant on Civil and Political Rights (CCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC) enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Malta to consider ratifying the treaty to which it is not yet a party, i.e. the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC).

123. The Committee requests that the present concluding comments be widely disseminated in Malta in Maltese and English in order to make the people of Malta, in particular government officials and politicians, especially parliamentarians, as well as women's non-governmental organizations, aware of the steps that have been taken to ensure the de jure and de facto equality of women and the further steps required in this regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, the Optional Protocol thereto, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century"

## 2. Combined initial, second and third periodic report and combined fourth and fifth periodic report

## Angola

124. The Committee considered the combined initial, second and third periodic report and combined fourth and fifth periodic report of Angola (CEDAW/C/AGO/1-3 and CEDAW/C/AGO/4-5) at its 655th and 661st meetings, on 12 and 16 July 2004 (See CEDAW/C/SR.655 and 661).

### Introduction by the State party

125. In introducing the combined initial, second and third periodic report and the combined fourth and fifth periodic report, the representative noted that, since independence in 1975, Angola had faced many political and socio-economic setbacks. The war had had a devastating impact on the socio-economic infrastructure of the country and, in particular, on the lives of women. The war had produced over four million internally displaced persons and more than 300,000 refugees in neighbouring countries, 80 per cent of whom were women and children. The majority of Angola's population lived in conditions of extreme poverty with limited access to education, health care, water, electricity and sanitation. Women's lives were characterized by high levels of maternal and child mortality, malnutrition, illiteracy, poverty, violence, lack of resources, unemployment in the formal sector and a high rate of participation in the informal economy. Since the signing of the Luena Agreement in 2000, which had brought peace to the country, the Government had taken new initiatives to improve the living condition of the population.

126. The representative stressed that the Government had undertaken important measures to address resource, institutional and socio-political constraints in order to progressively comply with its obligations under the Convention. Angola had formally acknowledged women's right to equality in its Constitution and had promulgated legislation to address the social, economic, legal and political aspects of gender parity and discrimination against women, including in the family and in labour codes, as well as in legislative provisions related to HIV/AIDS, nationality, the elimination of all forms of violence against women and the exploitation of women, including trafficking and prostitution. The representative acknowledged that the practical application of these provisions had been largely ineffective.

127. The State secretariat for the promotion and development of women, created in 1991 had been upgraded to a Cabinet-based Ministry in 1997. In addition to its responsibility for the formulation and implementation of national policy on the rights of women, focal points existed in most other ministries to mainstream gender in government policies, programmes and projects. One of these programmes sought to eradicate gender-based poverty through the provision of counselling, legal aid, microcredit and other interventions for rural women.

128. In the areas of health and education, the Government had prioritized the rehabilitation of infrastructure and training. Resources were being assessed to remedy the high rates of maternal and infant mortality, malnutrition, illiteracy and limited access to water and sanitation. Households headed by women were most affected by HIV/AIDS and other sexually transmitted diseases. The strategic plan on reproductive health and the national plan for education for all to the year 2015 was

expected to address the specific needs of women and girl children and to ensure that women could benefit from both formal and non-formal education.

129. The representative indicated that in the field of employment some discriminatory attitudes towards young women existed in private enterprises. Despite a non-discriminatory labour law, the public sector was comprised of 60 per cent men and 40 per cent women. Unemployment rates were higher among women, and women worked predominantly in the informal sector where they operated their own businesses.

130. The representative noted women's participation in decision-making was slowly being promoted, as few women were represented in political and public life. Three out of 30 ministers were currently women, as were 5 out of 40 vice-ministers. Thirty-six out of 220 members of Parliament were women, while 6 of 66 ambassadors were women. While some Angolan women worked for regional institutions, no Angolan women were currently represented in international arenas.

131. The representative underlined the Government's awareness of the challenges faced in the implementation of its obligations under the Convention. Women's rights were affected by societal changes and had to be protected through civil, political, social and legal measures.

132. In concluding, the representative conveyed a message from the President of Angola, in which he reiterated the Government's commitment to the realization of women's advancement and full gender integration and to the creation of necessary conditions for their well-being and security through the implementation of policies and programmes. The President also highlighted the need to prioritize women in social policies, the importance of equal opportunities for women in the fields of assistance, education, training and employment and stated that Angola planned to adopt legislation to combat violence against women.

## Concluding comments of the Committee

### *Introduction*

133. The Committee commends the State party for ratifying the Convention without reservations and expresses its appreciation to the State party for its combined initial, second and third periodic report and its combined fourth and fifth periodic report, which were, however, long overdue.

134. The Committee congratulates the State party for sending a high-level delegation headed by the Vice-Minister of Family and Promotion of Women. It appreciates the frank and constructive dialogue that took place between the members of the Committee and the delegation, which provided further insights into the real situation of women in Angola.

135. The Committee notes that nearly 30 years of civil war in Angola resulted in the destruction of the socio-economic infrastructure, over four million internally displaced persons and refugees, a considerable increase in households headed by women and the majority of the population living in extreme poverty.

136. The Committee notes with satisfaction that the reports provide information about action taken by the Government in the follow-up to the Fourth World

Conference on Women, held in Beijing in 1995, and the twenty-third special session of the General Assembly in 2000.

*Positive aspects*

137. The Committee welcomes the political will and commitment, expressed in the message by the President of Angola to the Committee and during the constructive dialogue, to the realization of the de facto equality for women and the full implementation of the provisions of the Convention, and to further improve on progress achieved so far in some areas.

138. The Committee welcomes the creation, in 1991, of the State secretariat for the promotion and development of women, which was upgraded, in 1997, to the Ministry of Family and Promotion of Women, with a mandate to define and implement the national policy for the promotion of the rights of women in both the public and private sphere. It also welcomes the establishment of gender focal points in all ministries and departments at central and local levels.

139. The Committee commends the State party for enacting a number of laws and adopting strategic plans in support of the goal of gender equality and the implementation of the provisions of the Convention, including the Family Code, the 2004 HIV/AIDS law and the strategic plan on HIV/AIDS; the General Labour Law of 2000; the strategic plan on sexual and reproductive health (2003-2008); and the national plan for education for all to the year 2015. It further welcomes the strategy and strategic framework for the promotion of gender equality by the year 2005, developed after the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century" ("Beijing plus 5"), approved by the Cabinet in November 2001.

*Principal areas of concern and recommendations*

140. The Committee is concerned that the Convention has not yet been domesticated as part of Angolan law. It notes that, short of such full domestication, the status of the Convention vis-à-vis domestic law is not clarified, nor is it clear if the Convention is justiciable and enforceable in Angolan courts. The Committee also notes with concern that the provisions of the Convention have not yet been widely disseminated nor are they widely known by judges, lawyers and prosecutors. The Committee is further concerned about the lack of proper understanding of and respect for women's human rights and that women themselves are not made aware of their rights, and thus lack the capacity to claim them.

141. **The Committee recommends that the State party take immediate measures to ensure that the Convention becomes fully applicable in the domestic legal system. It calls on the State party to ensure that the Convention and related domestic legislation are made an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors, so as to establish firmly in the country a legal culture supportive of women's equality and non-discrimination. It also calls on the State party to disseminate the Convention widely to the general public so as to create awareness of women's human rights. It invites the State party to take special measures to enhance women's awareness of their rights and legal literacy so that they can claim all their rights.**

142. The Committee expresses concern that, while article 18 of the Angolan Constitution guarantees equality between women and men and prohibits discrimination on the basis of sex, it does not contain a definition in line with article 1 of the Convention.

143. **The Committee urges the State party, as part of its current constitutional review process, to undertake a comprehensive national dialogue on women's rights to equality and non-discrimination and to enshrine in the Constitution a definition of equality and non-discrimination against women, in line with article 1 of the Convention, so as to create a solid constitutional basis for the practical realization of women's de facto equality.**

144. While noting the existing positive elements for the protection and promotion of women's human rights in the current legal framework the Committee is concerned about other legislative provisions that discriminate against women, including in the Civil Code, the Commercial Code and the Penal Code, as well as about legislative gaps in certain areas, including violence against women.

145. **The Committee calls on the State party to embark on a law review process to identify laws that discriminate against women or legislative gaps in the area of equality between women and men with a view to revising such laws or drafting new legislation in order to eliminate provisions that are discriminatory.**

146. The Committee is concerned at the strong persistence of patriarchal attitudes and deep-rooted stereotypes regarding the role and responsibilities of women and men in society, which are discriminatory to women. The Committee is concerned that the preservation of negative cultural practices and traditional attitudes serve to perpetuate women's subordination in the family and society and constitute serious obstacles to women's enjoyment of their human rights.

147. **The Committee urges the State party to view culture as a dynamic aspect of the country's social fabric and life, and subject, therefore, to change. It urges the State party to introduce measures without delay to modify or eliminate cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention, and ensure that women's rights to non-discrimination and equality set forth in the provisions of the Convention prevail. It urges the State party to undertake such efforts in collaboration with civil society organizations, women's groups and community leaders, as well as teachers and the media. It invites the State party to increase its efforts to design and implement comprehensive education and awareness-raising programmes targeting women and men at all levels of society, with a view to creating an enabling and supportive environment to transform and change discriminatory stereotypes and allowing women to exercise their human rights.**

148. While recognizing the efforts undertaken by the State party aimed at the reconstruction of the country and its socio-economic fabric after the long years of armed conflict, including repatriation, rehabilitation and resettlement of refugees and internally displaced persons, the majority of whom are women, the Committee is concerned that the widespread poverty among women and the poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against them. The Committee is especially concerned about the

situation of women in rural areas, women heads of households, women refugees and internally displaced women returning to their places of origin or migrating to the cities, who often lack access to health, education, services and means and opportunities for economic survival.

149. **The Committee urges the State party to make the promotion of gender equality an explicit component of all its national development strategies, policies and programmes, in particular those aimed at repatriation, rehabilitation and resettlement, as well as those aimed at poverty alleviation and sustainable development. It urges the State party to pay special attention to the needs of rural women, women heads of household, refugee women and internally displaced women, ensuring that they participate in decision-making processes and have access to health, education, services and income-generation projects. The Committee also invites the State party to place emphasis on the promotion and protection of women's human rights in all development cooperation programmes with international organizations and bilateral donors so as to address the socio-economic causes of discrimination against women.**

150. While welcoming the upgrading of the national machinery for women to the level of Ministry, headed by a Cabinet Minister, the Committee is particularly concerned that it suffers from inadequate human and financial resources, which prevent it from carrying out its functions effectively in promoting the advancement of women and gender equality.

151. **The Committee recommends that the State party expeditiously strengthen the existing national machinery and provide it with adequate human and financial resources at all levels, including training and capacity-building for the gender focal points in sectoral ministries and departments, in order to increase its effectiveness in mainstreaming gender perspectives in all policies and programmes and in promoting women's human rights.**

152. While it commends the State party for recognizing the gravity and extent of the problem of violence against women and girls and its ongoing efforts to combat such violence, including in cooperation with non-governmental organizations, the Committee is concerned about the lack of specific legislation on violence against women, including on domestic violence, as well as the lack of adequate policies, programmes and services and their effective implementation and enforcement. The Committee is also concerned about the attitude of law enforcement officers towards women who report cases of violence, which results in women victims' reluctance to report such cases of abuse.

153. **The Committee urges the State party to place high priority on putting comprehensive measures in place to address all forms of violence against women and girls, recognizing that such violence constitutes a violation of the human rights of women under the Convention and further elaborated in the Committee's general recommendation 19 on violence against women. The Committee calls on the State party to enact legislation on violence against women, including on domestic violence and sexual abuse, as soon as possible, so as to ensure that violence against women constitutes a criminal offence, that women and girls victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee recommends that the State party intensify its public awareness-raising efforts on violence against women and implement training for public**

**officials, especially police and law enforcement personnel, the judiciary and health and social workers and community leaders, in order to ensure that they are sensitized to the unacceptability of all forms of violence against women and adequately support victims of such violence. The Committee also recommends that the State party take appropriate measures to increase the availability of legal aid throughout the country in order to assist and advise women victims of violence.**

154. The Committee expresses concern over the fact that the number of women in decision-making positions remains low in political and public life, including in the National Assembly, the civil service and the judiciary. It is also concerned at the low representation of women in decision-making positions in the national foreign service.

155. **The Committee recommends that the State party undertake measures to increase the number of women in decision-making positions in all spheres, in accordance with its general recommendation 23 on women in political and public life, including in the National Assembly, in political parties, the judiciary and the civil service, including the foreign service. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, and to establish concrete goals and timetables to accelerate women's equal participation in public and political life. The Committee urges the State party to implement training programmes to encourage women to participate in public life. It also calls on the State party to implement awareness-raising campaigns to highlight the importance to society as a whole of women's full and equal participation in leadership positions at all levels of decision-making for the development of the country, especially at a time of rebuilding and reconstruction after the long war.**

156. The Committee is concerned that prostitution continues to thrive, owing to the poverty of women and girls. The Committee is also concerned about the exploitation of prostitutes, especially of young girls, and the lack of information about the efforts to combat this phenomenon. It is also concerned at the lack of information about the extent of trafficking in women and measures taken to address this issue.

157. **The Committee urges the State party to pursue a holistic approach in order to provide women and girls with educational and economic alternatives to prostitution, to facilitate the reintegration of prostitutes into society and to provide rehabilitation and economic empowerment programmes to women and girls exploited in prostitution. The Committee further calls on the State party to take appropriate measures to suppress the exploitation of prostitution of women, including through the discouragement of the demand for prostitution. The Committee requests that the State party provide information and data on measures taken to combat this phenomenon in its next report. It also requests the State party to provide in its next report detailed information on trafficking in women and measures taken, including legislation, to prevent trafficking, protect victims and punish traffickers, as well as on the impact of such measures.**

158. The Committee is concerned at the poor educational infrastructure, as reflected in the very low budgetary allocation; the lack of, or insufficient number of, schools and teachers; and the poor quality of education. The Committee is concerned that

these shortcomings result in a high rate of illiteracy among girls and women, their low enrolment rates in primary, secondary, vocational and higher education, in both urban and rural areas, and in their high drop out rates. The Committee notes that education is a key to the advancement of women and that the low level of education of women and girls remains one of the most serious impediments to their full enjoyment of human rights and the achievement of women's empowerment.

159. **The Committee urges the State party to increase its investment in education as a fundamental human right and as a basis for the empowerment of women. It recommends that the State party continue and further prioritize efforts to: improve the literacy level of girls and women; ensure equal access of girls and women to all levels of education in both urban and rural areas; increase the enrolment rates for girls; and take measures to retain girls in school, including through temporary special measures in accordance with article 4, paragraph 1, of the Convention and its general recommendation 25, so as to implement article 10 of the Convention.**

160. The Committee expresses concern at the insufficient information about women's de facto situation in the formal and informal labour market. In particular, the Committee lacks a clear picture with regard to women's participation in the labour force in urban and rural areas, their unemployment rates, and the effective application of existing labour legislation in the private sector, the vertical and horizontal labour force segregation and women's ability to benefit from new economic opportunities.

161. **The Committee urges the State party to ensure equal opportunities for women and men in the labour market in accordance with article 11 of the Convention, and the full implementation of the provisions of the General Labour Law by the public and private sectors, including with regard to maternity protection as provided in article 4, paragraph 2 of the Convention. The Committee urges the State party to intensify its efforts to ensure that all employment-generation programmes are gender sensitive and that women can fully benefit from these programmes. It calls on the State party to provide in its next report detailed information about the situation of women in the field of employment and work, about measures taken and their impact on realizing equal opportunities for women.**

162. While welcoming the priority placed by the State party on the rehabilitation of the health sector, the Committee is concerned about the poor health infrastructure, which results in women's lack of access to health services and their low health status. The Committee is especially concerned about women's low life expectancy, high maternal mortality and morbidity rates, high fertility rates and inadequate family planning services, low rates of contraceptive use and lack of sex education. The Committee is also concerned about trends in HIV/AIDS infection rates of women.

163. **The Committee urges the State party to continue its efforts to improve the country's health infrastructure. It calls on the State party to integrate a gender perspective in all health sector reforms, while also ensuring that women's sexual and reproductive health needs are adequately addressed. In particular, the Committee recommends that the State party undertake appropriate measures to improve women's access to health care and health-related services and information, including access for women who live in rural areas. It calls on**

**the State party to improve the availability of sexual and reproductive health services, including family planning information to reduce maternal mortality. It also recommends that programmes and policies be adopted to increase knowledge of and access to affordable contraceptive methods, so that women and men can make informed choices about the number and spacing of children. It further recommends that sex education be widely promoted and targeted at girls and boys, with special attention to the prevention of early pregnancies and the control of sexually transmitted diseases and HIV/AIDS. It also calls on the State party to ensure the effective implementation of its HIV/AIDS law and policies.**

164. Noting that the majority of women live in the rural areas, the Committee is concerned that many live in extreme poverty and lack access to education and vocational training, health care and income-generation opportunities. It is particularly concerned that the State party's rural development strategy does not seem to include attention to the situation of rural women.

165. **The Committee urges the State party to ensure that the rights, needs and concerns of rural women are given greater attention and visibility in the country's rural rehabilitation and development strategy. It also calls on the State party to ensure that rural women can participate fully in decision-making in the formulation and implementation of policies and programmes in rural areas. It urges the State party to ensure that rural women and girls have full access to health-care services, education and vocational training, as well as to income-generation opportunities.**

166. The Committee is concerned that the report did not contain sufficient sex-disaggregated data in all the areas covered by the Convention. It is also concerned at the lack of studies to accurately assess the real situation of women and the impact of past programmes on gender equality.

167. **The Committee requests the State party to provide sex-disaggregated statistical data and analysis in its next report. It also urges the State party to include monitoring and assessment mechanisms in all its policies and programmes so as to be able to assess their impact on the intended goal and to undertake corrective measures. It requests the State party to include insights gained from such studies and analysis in its next report.**

168. **The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee. The Committee requests the State party to respond to the concerns expressed in its concluding comments in its next periodic report under article 18 of the Convention.**

169. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World**

**Assembly on Ageing, the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.**

170. **The Committee notes that States' adherence to the seven major international human rights instruments, i.e. the International Covenant on Economics, Social and Cultural Rights (CESCR), the International Covenant on Civil and Political Rights (CCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (MWC) enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Angola to consider ratifying the treaties to which it is not yet a party, i.e. the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (MWC).**

171. **The Committee requests the wide [illegible]nation of the present concluding comments in Angola in order to make the people of Angola, in particular government officials, politicians, parliamentarians and women's non-governmental organizations, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".**

### 3. Combined second and third periodic reports and combined fourth and fifth periodic reports

## Equatorial Guinea

172. The Committee considered the combined second and third periodic report (CEDAW/C/GNQ/2-3) and the combined fourth and fifth periodic report of Equatorial Guinea (CEDAW/C/GNQ/4-5) at its 651st and 652nd meetings, held on 8 July 2004 (see CEDAW/C/SR.651 and 652).

#### Introduction by the State party

173. In introducing the report, the representative of Equatorial Guinea noted that the Government was making increasing efforts to ensure equal opportunities for women. Its commitment was reflected in the recent adoption of the document containing the National Policy for the Advancement of Women in May 2002, which

contained strategies for promoting equality between women and men in areas such as the legal, economic, institutional, social and educational fields.

174. The representative referred to the adoption of the Presidential Decree prohibiting the imprisonment of women for dowry-related reasons as being one of the most significant steps benefiting women. She also noted that seminars and awareness-raising activities were being conducted to bring home the importance of subjects such as domestic violence, gender and development, prostitution and HIV/AIDS, compilation of data on women and children and human rights conventions ratified by the Government.

175. The representative briefed the Committee about the Government's plans in the legislative area and mentioned in particular the work being done on drafting a Family Code, in an effort to improve the legal and traditional status of women, and the draft law to regulate customary marriages, which attempted to provide a legal framework for protecting women with regard to dowries, consent, inheritance and widowhood. The text had been in the drafting stage for three years without coming to fruition. Work was also in hand to draft a law on violence against women and a law on trafficking in children and immigrants.

176. Regarding women's political participation, the representative indicated that the 2004 elections to the House of Representatives, the National Parliament, had resulted in a 14 per cent increase in women members. In the field of education, the analysis of schooling for girls conducted in 1997 showed that the drop-out rate for girls at the higher/university level had increased drastically, due among other causes to early pregnancies. In view of that situation, the Government had prepared the National Programme on Education for All, intended to provide greater parity between females and males at all levels of education. In that connection, it had prepared a National Literacy Programme and improved night classes for older children completing primary school and those provided for adults who dropped out of school before completing their school-leaving examination, as well as the training centres for women.

177. The representative noted the measures adopted for women in the labour sector, such as free and preferential vocational training, reduced social security payments for companies that hired women and maternity benefits. She also stressed efforts by the Government and First Lady through programmes on behalf of women, including projects such as the Rural Women's Self-Employment Project being carried out in partnership with Canada, which provided support for women in the cultivation of horticultural products and made interest-free loans available to them. She also pointed out that women made up 81 per cent of the workforce in the agriculture sector, although the level of pay was low. She said that in the area of health, women were the hardest hit by HIV/AIDS and that access to health centres and the availability of health workers, contraceptive measures and information were more limited in rural areas, where HIV/AIDS infection rates were fortunately low. In that connection she said that draft legislation on reproductive health, which included programmes of action to combat HIV/AIDS, was awaiting adoption.

178. The representative stated that although trafficking in women was not a phenomenon deeply rooted in the society of Equatorial Guinea, there had been a few isolated cases involving children from Benin, and that trafficking in women and children was condemned by the Penal Code. She also indicated that prostitution, which was considered to be illegal, had increased significantly in recent years.

Measures taken by the Government to address that problem included awareness-raising programmes and an order prohibiting the use of tourist establishments as centres for prostitution.

179. In conclusion, the representative reaffirmed the Government's commitment to achieving equality between men and women, in accordance with the provisions of the Convention, and reiterated her delegation's willingness to participate in a constructive dialogue.

### Concluding comments of the Committee

*Introduction*

180. The Committee expresses its appreciation to the State party for its combined second and third periodic report and its combined fourth and fifth periodic report, while regretting that they were overdue. The Committee expresses its appreciation to the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarification in response to the questions posed orally by the Committee.

181. The Committee commends the State party for its high-level delegation, headed by the Minister of Social Affairs and the Status of Women, and expresses its appreciation for the constructive dialogue held between the delegation and the members of the Committee.

*Positive aspects*

182. The Committee welcomes the declared commitment and political will of the State party to implement its international human rights obligations and in particular the provisions of the Convention.

183. The Committee notes with satisfaction that under the State party's Constitution, international conventions prevail over domestic law following approval by the House of Representatives and ratification.

184. The Committee appreciates the adoption by Presidential Decree of the National Policy for the Advancement of Women, containing the strategy and national plan of action for the advancement of women in the State party.

*Principal areas of concern and recommendations*

185. The Committee expresses concern about the State party's limited understanding of its obligations under the Convention, and in particular the State party's exclusive focus on formal equality and the lack of progress in achieving de facto equality in all sectors.

186. **The Committee recommends that the State party take all appropriate measures in all sectors to ensure that women enjoy de facto equality with men and requests the State party to provide information on the impact of these measures in the next report.**

187. The Committee expresses concern that, while article 13 of the Constitution guarantees equality between women and men, no specific definition of discrimination has been incorporated into domestic legislation. The Committee is also concerned about the lack or insufficiency of legislation in important areas

covered by the Convention, such as violence against women and civil and family matters.

188. **The Committee recommends that a definition of discrimination against women in line with that set forth in article 1 of the Convention be included in the Constitution or other appropriate legislation and urges the State party to give high priority to putting in place comprehensive legislation in conformity with the Convention.**

189. The Committee is concerned that widespread poverty among women and poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against women. The Committee is especially concerned about the situation of rural women, particularly in view of their extreme poverty and lack of access to health care, education, credit facilities and community services.

190. **The Committee urges the State party to make the promotion of gender equality an explicit component of its national development plans and policies, and in particular those aimed at poverty alleviation and sustainable development. It urges the State party to pay special attention to the needs of rural women, ensuring that they participate in decision-making processes and have full access to education, health services and credit facilities. The Committee also urges the State party to take appropriate measures to eliminate all forms of discrimination against women with respect to ownership and inheritance of land. The Committee invites the State party to place emphasis on women's human rights in all development cooperation programmes with international organizations and bilateral donors so as to address the socio-economic causes of discrimination against women, including those impacting women in rural areas, through all available sources of support.**

191. The Committee is concerned about the existence of the dual legal system of civil law and customary law, which results in continuing discrimination against women, particularly in the field of marriage and family relations. The Committee is also concerned about the lack of legislation regulating customary marriages and other aspects of family law that discriminate against women, including in respect of polygamy, inheritance and child custody, and that efforts to adopt legislation regulating customary marriages have so far not been successful. The Committee is further concerned that most women lack the necessary information and resources to gain access to the civil courts and are still subject to the jurisdiction of traditional courts that apply customary law.

192. **The Committee urges the State party to accelerate the process of law reform to remove inconsistencies between civil law and customary law, including by enacting legislation and ensuring that any conflict of law with regard to women's rights to equality and non-discrimination is resolved in full compliance with the provisions of the Convention and general recommendation 21, on equality in marriage and family relations. In this regard, the Committee urges the State party to put in effect measures to discourage polygamy and to ensure women's equal rights in inheritance and child custody. The Committee further urges the State party to put in place measures to ensure women's access to the civil courts, including raising awareness on available legal remedies and the provision of legal aid.**

193. The Committee is concerned at the low rate of female literacy, the low rate of enrolment of girls in schools and the high dropout rate of girls due to pregnancy, early marriages and the low priority given to girls' education by families. The Committee notes that education is a key to the advancement of women and that the low level of education of women and girls remains one of the most serious impediments to their full enjoyment of human rights.

194. **The Committee urges the State party to raise awareness of the importance of education as a fundamental human right and as a basis for the empowerment of women and to take steps to overcome traditional attitudes that constitute obstacles to girls' education. It also recommends that the State party prioritize efforts to improve the literacy level of girls and women, ensure equal access of girls and young women to all levels of education, retain girls in school and strengthen the implementation of re-entry policies providing for girls to return to school after pregnancy. The Committee further urges the State party to take measures to increase the enrolment of girls at all levels and recommends the introduction of further special measures, including incentives for parents to send girls to schools.**

195. The Committee is concerned about the persistence of deep-rooted adverse cultural norms, customs and traditions, including forced and early marriage, widowhood practices, levirate and the use of the dowry, as well as the prevalence of stereotypes that discriminate against women and constitute serious obstacles to women's enjoyment of their human rights. The Committee is concerned about the State party's limited efforts to directly address such discriminatory cultural practices and stereotypes and its position that women themselves are primarily responsible for changing their position of disadvantage.

196. **The Committee urges the introduction without delay of measures to modify or eliminate customs and cultural and traditional practices that discriminate against women so as to promote women's full enjoyment of their human rights in conformity with articles 2 (f) and 5 (a) of the Convention. The Committee encourages the State party to undertake such efforts in collaboration with civil society organizations, women's non-governmental organizations and community leaders and to increase its efforts to design and implement comprehensive education and awareness-raising programmes targeting women and men at all levels of society, with a view to changing discriminatory social and cultural patterns of conduct about the roles and responsibilities of women and men in the family and in society, and to creating an enabling and supportive environment for women to exercise their human rights. The Committee urges the State party to address cultural and traditional customs and practices such as forced and early marriages, discriminatory widowhood practices, levirate and the use of the dowry through effective measures aimed at their elimination. It further calls upon the State party to periodically review the measures taken to assess their impact and to take appropriate remedial measures, and to report thereon to the Committee in its next report.**

197. While welcoming the abolition, by presidential decree, of imprisonment of women for non-repayment of dowries following separation or divorce from their husbands, the Committee remains concerned about lack of knowledge and implementation of the decree.

198. **The Committee recommends that the State party put in place measures to raise awareness about the decree prohibiting imprisonment of women for non-repayment of dowries.**

199. The Committee expresses concern about the absence of policies and programmes, including legislation, to address violence against women. The Committee is particularly concerned about occurrences of domestic violence, rape, including marital rape, and all forms of sexual abuse of women, and about the persistence of patriarchal attitudes that consider the physical chastisement of family members, including women, acceptable. The Committee further expresses concern about the paucity of information and statistics in the report on the incidence of violence against women.

200. **The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls in accordance with its general recommendation 19, on violence against women. The Committee calls on the State party to enact legislation on domestic violence, including marital rape, and legislation concerning all forms of sexual abuse as soon as possible to ensure that violence against women and girls constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee recommends the implementation of training for parliamentarians, the judiciary and public officials, particularly law enforcement personnel, and health-service providers so as to ensure that they are sensitized to all forms of violence against women. It also recommends the establishment of counselling services for victims of violence, the implementation of public awareness campaigns through the media and public education programmes towards a zero-tolerance policy on all forms of violence against women. The Committee requests the State party to provide information in its next report on the laws and policies in place to deal with violence against women and the impact of such measures.**

201. The Committee is concerned that the number of women in decision-making positions remains extremely low in politics, the judiciary, and the civil service. It notes with concern that the persistence of stereotypical and patriarchal attitudes may preclude women from seeking positions of leadership.

202. **The Committee recommends that the State party take measures to increase the number of women in decision-making positions in all spheres. It recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to strengthen and accelerate its efforts to promote and elect women to decision-making positions. To that end, the Committee urges the State party to implement and strengthen training and awareness-raising programmes to highlight the importance of women's participation in decision-making at all levels and to create enabling, encouraging and supportive conditions for such participation.**

203. The Committee expresses concern that prostitution continues to thrive, particularly in urban areas. The Committee also expresses concern about the lack of adequate enforcement of the law and imposition of penalties on those who exploit prostitutes.

204. **The Committee requests the State party to take all appropriate measures to combat the exploitation of prostitution of women with a view to address its root causes including poverty, as well as through the discouragement of the demand for prostitution. It recommends that a holistic approach be pursued in order to provide women with economic alternatives to prostitution and to facilitate the reintegration of prostitutes into society and urges the State party to provide rehabilitation and other programmes to women and girls exploited in prostitution. The Committee urges the State party to ensure the prosecution and punishment of those who exploit prostitutes.**

205. The Committee expresses concern about the lack of access of women and girls to adequate health-care services, including pre-natal and post-natal care and family planning information, particularly in rural areas. The Committee is also concerned about the alarming rate of teenage pregnancy, which presents a significant obstacle to girls' educational opportunities and economic empowerment.

206. **The Committee recommends that the State party make every effort to raise awareness of and increase access to health-care facilities and medical assistance by trained personnel, particularly in rural areas, and in pre- and post-natal care. The Committee urges the State party to take immediate steps to make family planning information available to women and girls, including in rural areas.**

207. The Committee notes with concern the high incidence of HIV/AIDS among women, particularly younger women, and the absence of an adequately funded strategic plan to address HIV/AIDS.

208. **The Committee urges the State party to take comprehensive measures and allocate sufficient funds to combat HIV/AIDS, to take strong preventive measures, including education and awareness-raising, and to ensure that women and girls infected with HIV/AIDS are not discriminated against and are given appropriate assistance and medical treatment.**

209. The Committee is concerned that the law relating to nationality precludes foreign women from retaining their own nationality on marriage to a national of the State party.

210. **The Committee requests the State party to remove all discriminatory laws relating to nationality, in accordance with article 9 of the Convention.**

211. The Committee regrets that the reports do not provide sufficient information and statistical data on the situation of women, the scope of programmes and the impact of measures taken to eliminate discrimination against women.

212. **The Committee requests that the State party's next report contain more detailed, specific and analytical information on the situation of women, supported by sex-disaggregated data describing the results achieved.**

213. **The Committee recommends that the State party take concrete steps to create an enabling environment for the establishment and operation of women's non-governmental organizations and to encourage and facilitate the active participation of civil society in the full implementation of the Convention, including in the follow-up to the concluding comments, for the promotion and protection of women's human rights. The Committee encourages the State**

party to consult with non-governmental organizations in the preparation of the next periodic report.

214. The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

215. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention.

216. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly for the overall review and appraisal of the implementation of the Programme of Action of the International Conference on Population and Development (twenty-first special session), the special session of the General Assembly on children (twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing, the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.

217. The Committee notes that States' adherence to the seven major international human rights instruments, i.e. the International Covenant on Economic, Social and Cultural Rights (CESCR), the International Covenant on Civil and Political Rights (CCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination against Woman (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) the Convention on the Rights of the Child (CRC) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (MWC) enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Equatorial Guinea to consider ratifying the treaty to which it is not yet a party, i.e. the international Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

218. The Committee requests the wide dissemination in Equatorial Guinea of the present concluding comments in order to make the people of Equatorial Guinea, in particular government officials, politicians, parliamentarians and women's non-governmental organizations aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

## 4. Fifth periodic reports

## Bangladesh

219. The Committee considered the fifth periodic report of the People's Republic of Bangladesh (CEDAW/C/BGD/5) at its 653rd and 654th meetings, on 9 July 2004 (see CEDAW/C/SR.653 and 654).

### Introduction by the State party

220. In introducing the fifth periodic report, the representative emphasized her Government's strong commitment to the advancement of women. Bangladesh had ratified the Optional Protocol in 2000 and had just accepted the proposed amendment to article 20 (1) of the Convention. The Ministry of Law, Justice and Parliamentary Affairs had opined in favour of withdrawal of the reservations to articles 2 and 16 (1) (c) of the Convention. Serious steps had also been undertaken towards amending the Citizenship Act. The annual budget of the Ministry of Women and Children Affairs had significantly increased in recent years.

221. The Government had made substantial investments in both primary and secondary education of girls, including scholarships, stipends and the provision of free and compulsory primary education for girls up to the twelfth grade. Those measures had led to gender parity and a dramatic increase in the enrolment of girls in primary schools. The delegation quoted a World Bank report of May 2004: "Bangladesh has achieved gender parity in enrolment at the primary and lower secondary levels".

222. The implementation of the Health and Population Sector Programme, 2003-2006 was expected to effectively address the health needs of the rural poor and, in particular, those of women and children. The Essential Service Care programme extended maternal health services to women in rural areas through the establishment of community and mobile clinics. Between 1986 and 2001, the maternal mortality rate had decreased from 6.48 deaths per 1,000 live births to 3.8 deaths per 1,000 live births. As a result of reproductive health education and an increased use of contraception, population growth and total fertility rates had significantly decreased over the past two decades. While the prevalence of HIV/AIDS in Bangladesh remained low, the Government was taking urgent measures to prevent a possible HIV/AIDS epidemic, including the formation of a national committee for the prevention of HIV/AIDS, and awareness-raising efforts.

223. The representative noted that the Government had undertaken joint collaborative endeavours with non-governmental organizations to encourage women's integration into the economic mainstream. According to the same World Bank report, the number of women microcredit borrowers had reached 12 million with loans of US$ 1.2 billion, and a loan repayment rate of over 90 per cent. Support services such as day-care facilities and working women's hostels had also been created. Women's employment participation was being promoted, and women were encouraged to pursue careers in non-traditional professions such as the armed forces and law-enforcing agencies. International development partners had supported the advancement of women in Bangladesh.

224. In reference to women's political empowerment, the representative highlighted the fact that the positions of Prime Minister and Leader of the Opposition had been

held by women for the past 14 years. The number of reserved seats in the National Parliament had been increased from 30 to 45 through a constitutional amendment. At the local level elections held in 2003, 12,699 women had been elected in the reserved seats and 100 women in the general seats. The Ministry of Women and Children Affairs had implemented projects to sensitize professional groups and training institutions to eliminate gender disparity.

225. The representative drew attention to the Suppression of Violence against Women and Children Act, 2000 (amended in 2003) and the Acid Control Act, 2002. Penal laws and the Speedy Trial Tribunal Act, 2002 aimed at expediting the trials of those accused of committing violence against women. One Stop Crisis Centres provided immediate legal, medical and other required assistance to women victims of violence. A national Road March programme was launched by the Prime Minister to raise awareness about all forms of violence against women, including trafficking in women and girls.

226. The representative acknowledged that trafficking in women and girls was a serious and continuing problem. The Government had signed the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in July 2002 and ratified it recently. The "Counter Trafficking Framework Report: Bangladesh Perspective" provided guidelines for the adoption and implementation of a multidimensional and multiministerial approach to effectively address trafficking. The Ministry of Women and Children Affairs was responsible for the implementation of a project funded by the International Labour Organization to combat child trafficking for labour and sexual exploitation.

227. In conclusion, another representative illustrated the Government's efforts at the international level in support of gender equality, including joint/main sponsorship of a resolution on gender mainstreaming in the Commission on the Status of Women, a lead role in the adoption of Security Council resolution 1325 (2000) of 31 October 2000 on women and peace and security, and adherence to almost all international instruments concerning the rights of women. The representative said that more than in most societies of comparable milieu, and despite its many and varied constraints, Bangladesh was forging ahead with the correct mindset, and progress on all socio-economic fronts, including women's empowerment, was palpable.

## Concluding comments of the Committee

### *Introduction*

228. The Committee congratulates the State party for its fifth periodic report, while noting that it does not comply with the Committee's guidelines for the preparation of periodic reports. The Committee expresses appreciation for the written replies to the list of issues and questions posed by the Committee's pre-sessional working group and for the oral presentation, which provided additional information on the situation of women in Bangladesh.

229. The Committee commends the State party for its high-level delegation, headed by the Minister for Women and Children Affairs, which included representatives of different governmental agencies and non-governmental organizations.

230. The Committee notes that reservations have been made by the State party to article 2 and article 16 (1) (c) of the Convention.

*Positive aspects*

231. The Committee notes with appreciation that the State party has ratified the Optional Protocol to the Convention, while regretting that the State party has opted out of the inquiry procedure contained in articles 8 and 9 of the Optional Protocol to the Convention. It also notes with appreciation that the Government has accepted the amendment to article 20, paragraph 1, of the Convention, relating to the Committee's meeting time.

232. The Committee welcomes progress achieved in the integration of women in the economy of the country, particularly through the introduction of innovative microcredit schemes for women.

233. The Committee commends the State party for the achievement of gender parity in school enrolment at the primary and secondary levels, and has succeeded in decreasing girls' dropout rates. The Committee also appreciates the successful efforts to increase girls' and women's literacy rates.

234. The Committee welcomes the fact that women have held the highest political offices of the country, and the measures to increase women's participation in the political life of the country, including the increase in the number of women in the National Parliament and in local governments.

*Principal areas of concern and recommendations*

235. While noting the State party's reference that the withdrawal of reservations is currently before the Cabinet for adoption, the Committee is concerned that reservations to article 2 and article 16 (1) (c) of the Convention which in the opinion of the Committee go against the object and purpose of the Convention, continue to be retained.

236. **The Committee urges the State party to expedite the decision on the withdrawal of the remaining reservations to the Convention within a concrete time frame.**

237. The Committee expresses concern that, while the Constitution guarantees equal rights to men and women, the definition of discrimination in the State party's legislation is not in line with the Convention.

238. **The Committee requests that the definition of discrimination against women be brought into conformity with article 1 of the Convention, and in particular that the State party's responsibility to eliminate all forms of discrimination against women be extended to discrimination perpetrated by private actors.**

239. The Committee is concerned that the Convention has not yet been incorporated into domestic law and its provisions cannot be invoked before the courts.

240. **The Committee calls upon the State party to incorporate without delay the provisions of the Convention into its domestic law and requests the State party to ensure that the provisions of the Convention be fully reflected in the Constitution and all legislation.**

241. The Committee expresses concern that, despite the adoption of the Prevention of Women and Children Repression Act, 2000, the Acid Control Act, 2002, and the Acid Crime Control Act, 2002, violence against women, including domestic violence, rape, acid throwing, dowry-related violence, fatwa-instigated violence, and sexual harassment in the workplace, continues to exist. The Committee is also concerned that women who are threatened by or subjected to such violence are placed in "safe custody" in shelter homes without their consent.

242. **The Committee urges the State party to accord priority attention to the adoption of a comprehensive approach to address violence against women and girls, taking into account its general recommendation 19 on violence against women. The Committee calls on the State party to ensure the effective implementation of the existing legislation to combat all forms of violence against women and to adopt specific legislation on domestic violence within a clear time frame, in order to ensure that women and girls who are victims of violence and sexual harassment have access to protection and effective redress, and perpetrators of such acts are effectively prosecuted and punished. The Committee also recommends gender-sensitive training on violence against women for public officials, particularly law enforcement personnel, the judiciary and health services providers. It further encourages the State party to take effective measures to protect women against fatwa-instigated violence. It calls on the State party to establish shelters where women who are threatened by or subjected to violence can be accommodated on a voluntary basis. The Committee also calls on the State party to take measures towards changing social, cultural and traditional attitudes that remain permissive of violence against women.**

243. While welcoming the ratification of the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in July 2002, the Committee remains concerned about the continuing prevalence of trafficking in women and girls in the country. It is also concerned that, despite the fact that many persons have been accused or are on trial for trafficking-related crimes, only a few have been convicted.

244. **The Committee recommends the formulation of a comprehensive strategy to combat trafficking in women and girls that should include the prosecution and punishment of offenders. The Committee also encourages the State party to pursue increased international, regional and bilateral cooperation with other countries of origin, transit and destination for trafficked women and girls. It recommends the stepping up of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers, the introduction of education and employment initiatives for vulnerable groups, including teenage girls, and provide support, rehabilitation and reintegration measures for women and girls who have been victims of trafficking. It calls on the State party to ensure that trafficked women have the support they need to enable them to provide testimony against traffickers. It urges the training of border police and law enforcement officials in order to provide them with the requisite skills to recognize and provide support for victims of trafficking. The Committee further urges the State party to include in its next report comprehensive information and data on the issue and on the impact of measures taken.**

245. The Committee expresses concern that traditional and cultural discriminatory practices, including polygamy, and strong stereotypical attitudes persist with respect to the roles and responsibilities of women in the family and society, negatively affecting women's enjoyment of their rights and impeding the full implementation of the Convention.

246. **The Committee urges the State party to undertake measures to design and implement comprehensive awareness-raising programmes to change stereotypical attitudes and norms about the roles and responsibilities of women and men in the family and society and take measures to eliminate polygamy. It also calls upon the State party to periodically review the measures taken and assess their impact in order to identify shortcomings and make necessary changes to improve them.**

247. The Committee is concerned about the unequal status of Bangladeshi women within the family, particularly in matters related to marriage, divorce, custody, alimony and property inheritance. The Committee expresses concern that personal laws, derived from religious precepts which are discriminatory to women, continue to prevail in the country and that no uniform Family Code is in place.

248. **The Committee urges the State party to adopt without delay a uniform Family Code that fully complies with the provisions of the Convention and general recommendation 21 on equality in marriage and family relations, as a way to protect the rights of all Bangladeshi women in matters related to marriage, divorce, custody, alimony and property inheritance. It recommends that the State party step up its efforts to provide awareness-raising and training, including on the importance of a uniform Family Code and the State party's obligations under the Convention, to community leaders.**

249. Although acknowledging that the State party has initiated the amendment of the 1951 Citizenship Act, the Committee is concerned that women are still unable to transmit their nationality to their foreign husbands and children.

250. **The Committee urges the State party to ensure that a new citizenship law, which is in line with article 9 of the Convention, is adopted without delay, in order to eliminate all provisions that discriminate against women in the area of nationality.**

251. While welcoming the lifting of the ban on overseas employment of women domestic workers which had been imposed in 1998, the Committee is concerned about the vulnerability of Bangladeshi women migrant workers whose rights are not adequately protected by the State party.

252. **The Committee recommends the adoption of a comprehensive gender-sensitive migration policy and the conclusion of bilateral and multilateral agreements with destination countries, in order to ensure the promotion and protection of the human rights of Bangladeshi women migrant workers. The Committee also urges the State party to strengthen its information activities so as to ensure that potential women migrants are fully aware of their rights, as well as of the potential risks of such employment.**

253. The Committee expresses concern about the poor working conditions women endure in both the formal and informal sectors of the economy. It is particularly concerned about the persistence of wage disparities between women and men, and

about the lack of childcare facilities for working mothers. It is also concerned that women working in the private sector and industry do not enjoy the same maternity leave benefits of women working in the public sector.

254. **The Committee recommends that the State party establish a monitoring mechanism to ensure the enforcement of legislation requiring employers to provide equal pay for equal work, ensure that maternity leave is available in all public and private employment, especially through the enactment of a law on maternity leave, and expand the number of crèches available for working mothers.**

255. While welcoming the measures taken to increase the number of women in the National Parliament, the Committee expresses concern that the number of women in decision-making positions remains low in politics, the judiciary, the civil service and the foreign service. The Committee is further concerned that a lack of a women-friendly environment in these sectors may contribute to women's low representation.

256. **The Committee recommends that the State party adopt proactive policies for women's increased participation at all levels and, when necessary, adopt temporary special measures and establish effective policies and a timetable to increase the number of women in decision-making positions in all spheres. It also recommends that the State party introduce legislation providing for the direct election of women to the National Parliament rather than through selection by members of the Parliament. The Committee furthermore calls on the State party to sensitize government officials on the issue of gender discrimination in order to promote a women-friendly environment that would encourage the participation of women in the public life of the country.**

257. The Committee expresses concern that although in Bangladesh the minimum age of marriage for girls is 18 years, child marriage continues to be practised widely.

258. **The Committee urges the State party to enact into law the proposed Child Marriage Restraint Act, 2002 and ensure its enforcement, in order to eliminate child marriage.**

259. The Committee is concerned about the impact of the arsenic poisoning of water, which is disproportionately affecting rural women of reproductive age.

260. **The Committee urges the State party to put in place measures for ensuring that safe drinking water is available to all, and particularly to affected rural women and their families. The Committee calls on the State party to prepare without delay a plan of action containing preventative and remedial measures, and prioritizing technologies favoured by rural women, their families and local communities that are risk-free, cost-effective and provide alternatives to underground water withdrawal. The Committee recommends that the State party launch an awareness campaign and proactive health, nutrition and social programmes for affected rural women, their families and local communities. The Committee also calls on the State party to encourage all other actors, who directly or indirectly caused the arsenic crisis, to share in the financial burden of compensating the victims.**

261. The Committee observes a lack of gender-disaggregated data in the report.

262. **The Committee recommends the development of comprehensive data compilation methodology and urges the State party to include relevant sex-disaggregated statistics so as to be able to assess the trends and the impact of programmes on the country's female population, and to include such data and related analysis in its next periodic report.**

263. **The Committee encourages the State party to withdraw its declaration made in accordance with article 10, paragraph 1, of the Optional Protocol.**

264. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its combined sixth and seventh periodic report under article 18 of the Convention.**

265. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.**

266. **The Committee notes that States' adherence to the seven major international human rights instruments, i.e. the International Covenant on Economic, Social and Cultural Rights (CESCR), the International Covenant on Civil and Political Rights (CCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (MWC) enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Bangladesh to consider ratifying the treaty to which it is not yet a party, i.e. the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.**

267. **The Committee requests the wide dissemination in Bangladesh of the present concluding comments in order to make the people of Bangladesh, and particularly government officials, politicians, parliamentarians and women's non-governmental organizations, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

## Dominican Republic

268. The Committee considered the fifth periodic report of the Dominican Republic (CEDAW/C/DOM/5) at its 658th and 659th meetings on 15 July 2004.

### Introduction by the State party

269. In her introduction, the representative of the Dominican Republic reiterated her Government's commitment to implementing the Convention, as demonstrated by its ratification of the Optional Protocol in June 2001. She pointed to the establishment of offices for gender equity and development in the various state secretariats pursuant to Presidential Decree No. 974-01 as a major step forward in the implementation of a cross-cutting approach to gender in government agencies. In addition, she reported that the National Gender Equity Plan had been improved in its current version by the inclusion of rural women. The Plan constituted the chief instrument to guide the work of development in the various sectors.

270. The representative informed the Committee that in view of the economic crisis the country was undergoing it had signed a new agreement with the International Monetary Fund, which would have a negative impact on the most vulnerable groups, including households headed by women. To address the situation, the Government had adopted measures to mitigate the adverse effects of the crisis, measures that included the elaboration of the National Poverty Reduction Strategy in August 2002 and the implementation of 86 social programmes by the National Planning Office in coordination with the Social Affairs Cabinet. In addition, the State Secretariat for Women (SEM) had submitted a set of proposals, which had been accepted, to ensure that a gender perspective was incorporated in policies to combat poverty.

271. The representative drew attention to various initiatives by the Government to mainstream a gender equity perspective in the areas of education, health, development of rural women and employment. In the area of education, the Government had revised the curricula for the basic and middle levels of education and carried out gender training programmes for teachers. In the area of health, it had instituted the Programme of Prevention and Care of Pregnancy in Adolescents of Limited Resources, the Programme for Mothers, Children and Adolescents and the National Mobilization Plan for the Reduction of Maternal and Child Mortality. The Women's Agricultural Sectoral Office had been established to carry out programmes to train and provide credit to women in rural areas. SEM had conducted national consultations of rural women to identify their priorities and gather information for the agricultural census. In the area of employment, SEM had signed an agreement with the Programme for Micro-, Small and Medium-sized Enterprises (PROMIPYME) to provide technical assistance and financing to women setting up small businesses.

272. The representative informed the Committee about the latest advances in legislation, such as the passage of the Code of Criminal Procedure in 2003, the current efforts to reform the Penal Code and the Civil Code and the passage of the Trading and Trafficking in Persons Act. She said that SEM had made proposals for amendments to the Penal Code to ensure that it guaranteed gender equity in matters relating to violence against women. Some of the most important proposals concerned redefinition of the concepts of genocide, sexual harassment, abduction and abandonment of family and the introduction of the concept of feminicide.

273. The representative said that as part of the strategy for combating violence against women, the Government had promoted the passage of Act No. 24-97 on domestic violence in 1997, had carried out gender training programmes for staff of the Public Prosecutor's Office and the National Police and had established safe houses for women who were victims of violence. With regard to trading and trafficking in women, the Government was currently working on a National Plan for Prevention and Prosecution of Trading and Trafficking in Persons and Protection of the Victims. Part of that process involved the creation of seven local networks to prevent trafficking and provide assistance to victims with the support of SEM and the sponsorship of the International Migration Organization and the establishment of the Shelter for Victims of Trafficking with the support of the United Nations Population Fund.

274. In conclusion, the representative reaffirmed her Government's commitment to achieving equality between women and men in accordance with the Convention and assured the Committee of her delegation's willingness to participate in a constructive dialogue.

### Concluding comments of the Committee

#### *Introduction*

275. The Committee expresses appreciation to the State party for the ample information contained in its fifth periodic report and the additional information on the situation of Dominican women provided in the responses to the list of issues and questions raised by the pre-session working group. The Committee also thanks the delegation for the detailed answers it provided orally, which allowed for a constructive dialogue with the Committee.

276. The Committee expresses its satisfaction at the delegation sent by the Dominican Republic, headed by the Secretariat of State for Women and including officials from the State Secretariats of Education and Labour, which provided a broad perspective on the progress achieved and the obstacles yet to be overcome in order for the country to achieve gender equality.

#### *Positive aspects*

277. The Committee congratulates the State party on the establishment of offices for gender equity and development in the various state secretariats by Presidential Decree No. 974-01 with coordination by the State Secretariat for Women as a means of implementing a cross-cutting approach to gender in government agencies.

278. The Committee commends the State party on the implementation of the National Gender Equity Plan, which was designed based on a consultative process carried out between January 1999 and March 2000, with the participation of 26 government bodies and 29 women's organizations and institutions, as an instrument to guide development work in the various sectors.

279. The Committee commends the State party on the establishment of the National Commission for the Prevention of Domestic Violence in November 1998 with the function of coordinating and supervising policies for the prevention of domestic violence and monitoring enforcement of Acts Nos. 24-97 and 14-94 against violence

and for the protection of minors, respectively, and compliance with the international agreements ratified by the Dominican Republic.

280. The Committee congratulates the State party for signing the Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime, in December 2000 and for passing and promulgating the Trading and Trafficking in Persons Act in 2003. The Committee also commends the elaboration of the National Plan for Prevention and Prosecution of Trading and Trafficking in Persons and Protection of the Victims, which provides for specific measures, such as the promotion of local networks to prevent trafficking and provide assistance to victims and the establishment of shelters for women victims of trafficking.

281. The Committee commends the State party for ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in June 2001.

### *Principal areas of concern and recommendations*

282. The Committee views with concern the serious problems the country is experiencing as a result of the economic crisis, which are having adverse effects on the population in general and women in particular, who constitute one of the most vulnerable groups, since they are at a disadvantage in terms of jobs and wages, and head 33 per cent of households.

283. **The Committee urges the State party to develop and implement effectively a general policy of poverty eradication that incorporates a gender perspective and accords special attention to households headed by women.**

284. Although the Committee welcomes the reform of the Civil and Penal Codes and the active role that the State Secretariat for Women has played in advancing proposals for the draft bill to amend these codes, it notes with concern that passage of the Penal Code bill as it now stands would constitute a reversal of some of the advances made in the area of women's human rights by eliminating the definition of violence against women contained in Act No. 24-97, reducing the penalties for domestic violence, eliminating incest as a defined crime, penalizing abortion in cases of rape and bringing criminal charges or suspending sentence in cases of rape if the perpetrator marries the minor victim.

285. **The Committee requests the State party to play a stronger role in the process of reform of the Civil and Penal Codes, since it offers an historic opportunity to ensure that the new legislation is in conformity with the provisions of the Convention and the principle of equality between women and men enshrined in the Constitution. The Committee urges the State party to push for the proposed amendments to the draft bill to ensure that the new Penal Code will be in harmony with general recommendation No. 19 concerning violence against women.**

286. The Committee is concerned that no proposals have been presented for the draft bill to amend the Civil Code so that it would recognize consensual unions as a source of rights.

287. **The Committee urges the State party to pursue and facilitate the process of reform of the Civil Code in order to eliminate discriminatory provisions that**

**undermine the rights of women within the family and to have consensual unions recognized as a source of rights.**

288. The Committee notes with concern that, although the Constitution refers to the principle of equality, the term used in plans and programmes is "equity", which the State party considers to be a compensatory means of achieving equality.

289. **The Committee asks the State party to take note that the terms "equity" and "equality" are not synonymous or interchangeable, and that the Convention is directed towards eliminating discrimination against women and ensuring equality between women and men.**

290. Although the Committee welcomes the fact that the National Gender Equity Plan has been enriched as an instrument to guide sectoral development work, it notes with concern that problems have been encountered in its implementation and that no evaluation of the impact of the Plan has been done to date.

291. **The Committee urges the State party to create a mechanism for monitoring and evaluating the implementation of the current Plan, so that corrective measures can be taken if necessary. The Committee also asks the State party to include in its next report an evaluation, with statistics, on the impact of the actions, measures, policies and studies undertaken to achieve equality between women and men.**

292. The Committee is concerned about the obvious persistence of stereotyped and conservative attitudes, behaviours and images regarding the roles and responsibilities of women and men, which reinforce the inferior status of women in all spheres of life and hamper the practical realization of equality between women and men.

293. **The Committee recommends that the State party should formulate policies and carry out programmes directed to men and women and oriented towards the elimination of stereotypes regarding traditional roles in the family, the workplace and society in general in accordance with article 2 (f) and article 5 of the Convention. It also recommends that the State party should continue to encourage the media to project a positive image of women and of the equal status and responsibilities of women and men in both private and public spheres.**

294. Although the Committee welcomes the efforts of the State party to combat and eradicate violence against women through the adoption of Act No. 24-97 and the establishment of the National Commission for the Prevention of Domestic Violence, it notes with concern the increase in violence against women in the Dominican Republic. The Committee is also concerned about the use of reconciliation proceedings between the perpetrator and the victim during the pretrial phase, since the outcome could be detrimental to the victim, and about the growing trend towards violence against women during the past eight years.

295. **The Committee urges the State party in all its efforts to bear in mind general recommendation No. 19 on violence against women. It also urges the State party to take steps to implement and enforce Act No. 24-97 and assess their effectiveness, as well as to investigate the causes of feminicide and other forms of violence against women and take measures to prevent it. The Committee strongly urges the State party to allocate the necessary funds to**

**ensure the implementation of programmes for the protection of victims of violence against women and to train and sensitize law enforcement officers, court officials, judges, journalists and health personnel, including through the use of the media, in order to change social, cultural and traditional attitudes that perpetuate violence against women. The Committee requests that the State party eliminate the use of reconciliation proceedings between the victim and the perpetrator during the pretrial phase in cases of violence against women. The Committee strongly urges the State party to ensure that the perpetrators are duly punished and to guarantee the full protection of women's human rights.**

296. The Committee is concerned about the State party's lack of attention to the problem of the exploitation of prostitution and the causes for it, as well as the growing number of Dominican women who are sexually exploited. The Committee is concerned that, although measures have been taken to combat trafficking in women and girls, a growing number of Dominican women and girls are victims of trafficking.

297. **The Committee requests the State party to pay due attention to the problem of the exploitation of prostitution and take steps to combat the causes, and recommends discouraging the demand for prostitution. The Committee recommends that the State party take action to provide female prostitutes with economic alternatives, so that they may live in dignity. The Committee requests the State party to take steps to protect women at risk of exploitation and to take stronger action to combat trading and trafficking in women and girls, including the prosecution and punishment of perpetrators and the provision of adequate support and protection to victims. The Committee recommends the introduction of measures aimed at making such women, particularly teenagers and girls, less vulnerable to traffickers and sexual exploiters.**

298. Although the Committee notes the Government's efforts to increase the number of women in political party structures and in municipal government, it remains concerned that there are so few women in decision-making posts in the Government and that article 4, paragraph 1, of the Convention on temporary special measures has not been understood and implemented correctly.

299. **The Committee recommends that the State party redouble its efforts to bring about the necessary legislative or procedural changes to ensure the participation of women in political party structures as well as in public and political life. The Committee also recommends that the State party consider adopting temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25, to accelerate the full participation of women in political and public life and in decision-making at all levels of government.**

300. The Committee takes note of the draft immigration bill which has been submitted to the National Congress; however, it remains concerned about the discriminatory nature of the definition of nationality, which directly affects one of the most vulnerable groups in the country, namely Dominican women and girls of Haitian descent. The Committee fears that this definition could hamper their access to education and other basic services. It is also concerned about the discriminatory rule that foreigners who marry Dominican women are not automatically granted Dominican nationality, as is the case when a Dominican man marries a foreigner.

301. **The Committee urges the State party to promote discussion of the draft immigration bill and to ensure that it complies with article 9 of the Convention through elimination of all the provisions that discriminate against Dominican women and girls of Haitian descent, or any foreigners who find themselves in a similar situation, and against Dominican women who marry foreigners. The Committee requests the State party to include information on the implementation of these measures in its next periodic report.**

302. The Committee notes with concern the increase in the rate of unemployment among women, which is three times the rate among men, the persistent wage gap between men and women and the lack of information on the causes of this discrepancy. The Committee is also concerned about the lack of public knowledge of the rights of female domestic workers and the lack of compliance with those rights in accordance with the provisions of Act No. 103-99 on Male and Female Domestic Workers amending the Labour Code. It is particularly concerned that compliance with the rights of female domestic workers is being left to the discretion of the employer and that there may be non-compliance in cases where the female domestic workers are hired by private companies.

303. **The Committee urges the State party to ensure de facto equal opportunity for men and women in the labour market through a review of labour legislation to ensure that it is consistent with article 11 of the Convention and is implemented in compliance thereof. It particularly recommends that the State party take the necessary action to guarantee equal pay for women and men in both the public and private sectors by developing policies and measures to that end, including through job evaluations, collection of data, further study of the underlying causes of the wage gap and provision of increased assistance for social partners in collective bargaining, in particular in determining wage structures in sectors dominated by women. With respect to the rights of female domestic workers, the Committee urges the State party to take practical measures to monitor closely and enforce compliance with Act No. 103-99 and assess its effectiveness. It recommends the adoption of legislative, administrative and other measures guaranteeing access to social security and other labour benefits, including paid maternity leave, for female domestic workers, temporary employees and workers in the informal and rural sectors.**

304. In spite of the existence of legislation on child labour and the efforts and programmes to eradicate the practice, the Committee is highly concerned about the high rate of child labour that persists in the Dominican Republic and the fact that work done by girls over the age of 10 is included in the official statistical data on the labour force.

305. **The Committee urges the State party to continue its efforts to eradicate child labour, to support education as a means of empowering those boys and girls in the future, to ensure that there is clear comprehension of and effective compliance with the minimum working age and to remove data on child labour from the official labour force statistics.**

306. The Committee is deeply concerned about the situation of women working in the free-trade zones, who make up 53 per cent of the total workforce in this sector, in view of the persistence of discriminatory practices, such as the exclusion of women on the grounds of pregnancy, compulsory pregnancy tests as a condition for employment and the incidence of violent acts such as sexual harassment in

contravention of Article 209 of the Penal Code, which protects women from sexual harassment in the workplace, and in contravention of Act No. 24-97, which protects women against all types of violence. The Committee also is concerned about the working conditions of women in the free-trade zones, which violate health and industrial safety regulations.

307. **The Committee recommends that steps be taken to ensure the implementation of labour legislation in free-trade zones, in accordance with article 11 of the Convention and to prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy. The Committee also recommends the institution of measures for the implementation and enforcement of legislation on sexual harassment and other forms of violence against women, in order to guarantee the protection of women employed in free-trade zones and the punishment of the perpetrators.**

308. The Committee notes with concern the increase in the number of cases of sexually transmitted diseases and HIV/AIDS. It is also concerned about the violation of the human rights of infected persons, the majority of whom are women, who are denied access to employment and adequate medical services. The Committee is concerned that these women are largely prevented from obtaining adequate health services, including those directed towards cancer prevention. The Committee expresses concern about the high rates of female mortality and morbidity, of which unsafe abortions are among the primary causes.

309. **The Committee recommends the adoption of measures to ensure that women, especially young women, the disabled and women living in rural areas, have access to information and health services, particularly those relating to sexual and reproductive health and cancer prevention. Such measures are essential in order to reduce the rate of maternal mortality, prevent women from resorting to unsafe abortion and protect women against the negative effects on their health. In this regard, the Committee recommends that the State health services should provide an abortion when the pregnancy is a result of rape or when the mother's health is in danger. It also recommends the development of programmes and policies to increase knowledge of and access to contraception, bearing in mind that family planning is the responsibility of both members of the couple. The Committee also recommends promoting sex education widely, particularly for adolescents, with special emphasis on combating sexually transmitted diseases and HIV/AIDS. The Committee also requests the State party to adopt measures to eliminate discrimination against women infected with HIV/AIDS.**

310. Although the Committee acknowledges the State party's efforts to provide gender-disaggregated statistics, the report contains an insufficient amount of gender-disaggregated data and data on rural women.

311. **The Committee recommends that the State party compile more comprehensive gender-disaggregated statistical data and urges it to include in its next report statistics on the evolution of its programmes and their impact on the female population, particularly rural women.**

312. **The Committee requests the State party to respond to the specific recommendations contained in these concluding comments when it submits its next periodic report under article 18 of the Convention. The Committee invites**

**the State party to submit its sixth report, which was due in October 2003, and its seventh report, due in October 2007, in a combined report in 2007.**

313. **Taking account of the gender dimensions of the declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly, special session for an overall review and appraisal of the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of the aspects of those documents relating to relevant articles of the Convention in its next periodic report.**

314. The Committee notes that the accession of States parties to the seven major international human rights instruments, namely, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families reaffirms the protection of the human rights and fundamental freedoms of women in all areas of their lives. The Committee therefore encourages the Dominican Republic to consider ratifying the treaties to which it has not yet acceded, namely, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

315. **The Committee requests the State party to disseminate the present concluding comments widely in order to make the people of the Dominican Republic, in particular government administrators, political representatives and women's non-governmental organizations, aware of the steps that have been taken to ensure de jure and de facto equality for women and the further steps required to achieve that end. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the general recommendations of the Committee on the Elimination of Discrimination against Women, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".**

## Spain

316. The Committee considered the fifth periodic report of Spain (CEDAW/C/ESP/5) at its 649th and 650th meetings, on 7 July 2004 (see CEDAW/C/SR.649 and 650).

### Introduction by the State party

317. In introducing the report, the representative of Spain noted that the March 2004 elections had produced a change in the nation's political direction. The initiatives of the current Government, which consisted of eight male and eight female ministers, reflected its strong commitment to gender equality. Some of the more noteworthy initiatives included the establishment of the General Secretariat for Equal Opportunities Policy, which ranked as a ministerial department within the Ministry of Labour and Social Affairs and was headed by a deputy minister; greater incorporation of gender mainstreaming and improved coordination of the departments in charge of equality at the different Ministries; and the preparation of the first draft of Organic Law 4/2000 on comprehensive protection measures against gender-based violence, which had been submitted to the Cortes Generales for adoption and might enter into force in 2005.

318. The representative pointed out that public policies on women's rights had been promoted through the Plans on Equal Opportunities for Women and Men, which had been adopted by the Council of Ministers. Four Equal Opportunity Plans had been operating since the establishment of the Institute for Women's Issues in 1983. The fourth Plan, which spanned 2003-2006, covered virtually all administrative action introducing gender mainstreaming in the fields of education, employment, the economy, health, social security, justice, the interior, immigration, etc. The following plans had also been promoted: the annual Plans of Action for Employment of the Kingdom of Spain, the Comprehensive Family Support Plan, the National Plan on Social Inclusion and the Equal Opportunity Plans for Autonomous Communities. The representative recognized that, in spite of the progress achieved in promoting gender equality, greater action needed to be taken in the fields of education, employment and political participation.

319. The representative drew attention to the action already taken by the Government to achieve gender equality; she specifically mentioned the positive action measures and programmes designed to eliminate the stereotypical image of women in the mass media. Monitoring units had been set up in several fields, including advertising, where the unit functioned as a forum for complaints about sexist advertising; equal opportunities; and gender-based and domestic violence. The objective was to increase awareness in each field and to monitor and facilitate the positive action measures.

320. The representative described the Government's plans for women who were clearly vulnerable because of their status or because they belonged to another race or ethnic group. This included migrant women, childminders, the disabled and heads of households. She pointed out that migrant women comprised 45 per cent of the migration flow in 2003 and commented that, in spite of their vulnerable situation, they had access to basic services and legal aid in cases of maltreatment. She pointed out that rural women working primarily in agriculture continued to be affected by depopulation, ageing and lack of professional training. She also noted that

trafficking of women and children was a problem that needed to be addressed as a matter of urgency and that a comprehensive intervention strategy should be drawn up, taking into account the problem of prostitution. The Government planned to promote an open debate between civil society and the institutions involved with a view to establishing a system of protection and assistance in entering the work force. With respect to parity of the sexes, the Government intended to amend the Constitutional Act on the General Electoral Regime in order to achieve a balance of women and men.

321. The representative mentioned that, during the period covered by the fifth periodic report, Spain had ratified several international agreements which had become a part of the domestic legal order. These included: the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which entered into force in October 2001; the Additional Protocol to the European Social Charter; and the supplementary Protocols, namely the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

322. In conclusion, the representative reaffirmed the Government's commitment to achieving gender equality and the delegation's willingness to participate in constructive dialogue.

### Concluding comments of the Committee

*Introduction*

323. The Committee commends the State party for its fifth periodic report, although the report exceeds the 70-page limit for periodic reports. The Committee also commends the State party for the oral presentation, which added information about the situation of women as well as the Government's perspective of the approach to be taken to gender equality and the elimination of discrimination against women.

324. The Committee commends the State party for its delegation, headed by the Secretary-General of Equal Opportunities Policy of the Ministry of Labour and Social Affairs of Spain and composed of representatives of different ministries with expertise in a wide range of areas covered by the Convention. The Committee appreciates the constructive dialogue that took place between the delegation and the members of the Committee, the written responses and further clarification to the questions orally posed by the Committee.

325. The Committee notes with satisfaction that the State party has taken account of the Beijing Platform for Action in drawing up the fourth Plan on Equal Opportunities for Women and Men (2003-2006) and that the plan is inspired by two fundamental principles, namely close cooperation among public administrations, social interlocutors, non-governmental organizations and society at large and gender mainstreaming.

*Positive aspects*

326. The Committee commends the State party for the appointment of an equal number of women and men to ministerial posts within the new Government and the high level of commitment and political will to achieve gender equality that this demonstrates.

327. The Committee welcomes a significant number of initiatives aimed at achieving gender equality and eliminating discrimination against women, including the fourth Plan of Action for Equal Opportunities, the Second Comprehensive Plan against Domestic Violence, the Optima Programme for women in business and the creation of monitoring institutions, which cover progress in the areas of equal opportunities, women's health, advertising and domestic and gender violence. The Committee also welcomes the annual Plans of Action for Employment, the Social Inclusion Plan and the Comprehensive Family Support Plan, all of which include a gender dimension.

328. The Committee welcomes the fact that gender equality and the promotion and protection of human rights and fundamental freedoms are among the principles, objectives and priorities of the State party's policy on international development cooperation.

329. The Committee notes with appreciation that the State party has ratified the Optional Protocol to the Convention.

### *Principal areas of concern and recommendations*

330. The Committee expresses concern that, while the concept of equality of opportunities for women and men is based on a number of constitutional precepts, including the prohibition of discrimination on grounds of sex, no specific definition of discrimination against women in line with article 1 of the Convention has been included in domestic legislation.

331. **The Committee recommends that a definition of discrimination against women as set out in article 1 of the Convention be included in domestic legislation.**

332. Notwithstanding the State party's efforts to widely disseminate information on the Convention, the Committee remains concerned about the persistence of patriarchal attitudes and deeply rooted stereotypes regarding the role and responsibilities of women and men in the family and in society, which are considered by the Committee to be a root cause of gender-based violence and women's disadvantaged situation in a number of areas, including in the labour market.

333. **The Committee calls upon the State party to take additional measures to eliminate stereotypical attitudes about the roles and responsibilities of women and men, including through awareness-raising and educational campaigns directed at both women and men and at the media, and carefully monitor the impact of such measures. It calls upon the State party to redouble its efforts to disseminate information on the Convention, the Optional Protocol and the Government's commitment to gender equality. It recommends that the State party make targeted efforts at advancing the understanding of parenting as a social responsibility of both mothers and fathers. It recommends that the media be further encouraged to project a positive image of women and of the equal status and responsibilities of women and men in the private and public spheres. The Committee requests the State party to provide in its next report more detailed information on its efforts to disseminate information about the Convention and the Optional Protocol.**

334. While welcoming the efforts of the State party to address violence against women, including the adoption of the second Comprehensive Plan against Domestic Violence (2001-2004), the Committee is concerned about the prevalence of violence

against women, particularly the alarming number of reported murders of women by current and former spouses or partners.

335. **The Committee calls upon the State party to intensify its efforts to address the issue of violence against women, including domestic violence, as an infringement of their human rights. In particular, the Committee underlines the need to adopt, implement and monitor the effectiveness of laws and policies in accordance with the Committee's general recommendation 19, in order to prevent violence, provide protection, support and services to the victims and punish and rehabilitate offenders. It recommends that the State party ensure that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women. The Committee also invites the State party to undertake sustained awareness-raising measures through the media and public education programmes to reinforce the notion that such violence is socially and morally unacceptable, and constitutes discrimination against women.**

336. While commending the State party for its legal and other measures against trafficking in women and girls, the Committee expresses its concern about increasing incidence of trafficking in women and girls. It is concerned about the situation of trafficked women, particularly those who claim refugee status on grounds of gender-based persecution.

337. **The Committee urges the State party to increase its efforts at international cooperation with countries of origin and transit, within and outside of the European Union, both for dealing with the economic forces that make women victims of trafficking and for the prevention of trafficking through information exchange. The Committee further calls on the State party to take all appropriate measures to suppress exploitation of prostitution of women, including discouraging the demand for prostitution. The Committee also urges the State party to continue to collect and analyse data from the police and international sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls. The Committee calls on the State party to ensure that trafficked women and girls have adequate support to be in a position to provide testimony against their traffickers. It further urges the State party to afford full protection under the 1951 Geneva Convention on Refugees, inter alia, to trafficked women who seek asylum on grounds of gender-based persecution in line with the latest developments in international refugee law and the practice of other States.**

338. Noting that since 1999, there has been a quadrupling of immigration into Spain, the Committee is concerned about the multiple forms of discrimination migrant women, including those who are undocumented, may face by public authorities, private employers and individuals, as well as the difficulties in becoming integrated into Spanish society.

339. **The Committee urges the State party to take effective measures to eliminate discrimination against migrant women, both within immigrant communities and in society at large, and to ensure that the women concerned are made aware of available social services and legal remedies and are being supported in accessing them.**

340. While noting an increase in women's political participation at the national, legislative and executive level, the Committee remains concerned that the representation of women in political life is still low.

341. **The Committee recommends that the State party consider amending the Constitutional Act on the General Electoral Regime in order to achieve a balance of men and women in political office. It further suggests that the number and placement of women candidates on the electoral lists of political parties be a factor in determining the allocation of grants to them.**

342. The Committee is concerned at the under-representation of women in senior positions in some areas of professional and public life, such as the judiciary and the Foreign Service, particularly at the highest echelons.

343. **The Committee recommends that proactive policies for women's increased participation at those levels be adopted and, when appropriate, temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 be taken to ensure the acceleration of the achievement of women's real empowerment on equal terms with that of men.**

344. The Committee is concerned that Roma women remain in a vulnerable and marginalized situation, especially with regard to education, employment, housing and health.

345. **The Committee recommends that the State party promote and protect the human rights of Roma women, in particular with regard to their access to education, employment, housing and health.**

346. Despite the progress made by women in education in recent years, the Committee remains concerned about discrimination in this area, in particular about early drop out rates from school of Roma girls.

347. **The Committee recommends that the State party intensify its efforts to promote the access of Roma girls to education and their retention in the system. It recommends that the State party conduct research into the subject and, on the basis of its findings, provide incentives to Roma parents to encourage them to ensure that their daughters attend school.**

348. The Committee is concerned about information that women who begin doctoral studies do not complete their dissertations at as high a rate as men.

349. **The Committee recommends that the State party increase women's access to resources, including grants, and to childcare facilities, to enable them to complete their dissertations at the same rate as men do.**

350. The Committee is concerned about the continuing high level of unemployment among women that is reported twice that of men, the high number of women in part-time and temporary jobs as well as the wage discrimination faced by women. Furthermore, the Committee is concerned at the high proportion of women in the service sector, indicating a sex-segregated labour market with a negative impact on women's wages.

351. **The Committee calls upon the State party to intensify its measures to increase women's employment, to make sure that women have access to full-time and permanent jobs if they wish, and to promote equal pay for equal work**

**and work of equal value. It also calls upon the State party to promote participation by women in sectors traditionally regarded as male and vice versa.**

352. **In spite of the State party's expressed reluctance, the Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention.**

353. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing, the Committee requests the State party to include in its next periodic report information on the implementation of aspects of those documents relating to relevant articles of the Convention.**

354. **The Committee notes that States' adherence to the seven major international human rights instruments, i.e. the International Covenant on Economic, Social and Cultural Rights (CESCR), the International Covenant on Civil and Political Rights (CCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (MWC) enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Spain to consider ratifying the treaty to which it is not yet a party, i.e. the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.**

355. **The Committee requests the wide dissemination in Spain of the present concluding comments in order to make the people, in particular government officials, politicians, parliamentarians and women's non-governmental organizations aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in this regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

## 5. Follow-up report

### Argentina

356. The Committee considered the follow-up report to the fifth periodic report of Argentina (CEDAW/C/ARG/5/Add.1) at its 660th meeting, on 16 July 2004 (see CEDAW/C/SR.660).

#### Introduction by the State party

357. In introducing the follow-up report to the fifth periodic report of Argentina, the representative gave an overview of the new approach of the current Government, which had taken office in May 2003, in the political, economic, social and cultural fields and in human rights. Central to the Government's efforts were initiatives to promote growth with social justice, the eradication of corruption and an end to the culture of impunity in public institutions and private organizations. The Government aimed at the re-establishment of social mobility, the promotion of development and economic growth, the creation of jobs and a more equitable distribution of wealth, while enhancing the social inclusion of women and men and strengthening, protecting and assisting families. The representative also highlighted the important role of civil society in these efforts. The judiciary had also undergone an institutional renovation, and two of the three new members of the Supreme Court of Justice were women. The reconstruction would also be based on a firm policy of human rights that acknowledged the work done by the Madres de la Plaza de Mayo and the Abuelas de la Plaza de Mayo.

358. The devastating effects of policies since the mid-1970s and the economic crisis of 2001-2002 were reflected in the 2002 poverty indices, which showed that 42.3 per cent of Argentines lived below the poverty line and 21.5 per cent were unemployed. In 2003, those rates were reduced to 36.5 per cent and 14.5 per cent, respectively. The primary policies aimed at alleviation of the crisis and the high poverty rates included the Economic Emergency Law, the Emergency Health Law, the National Programme on Food Emergency and the Unemployed Head of Household Programme.

359. Social expenditure had been increased to combat poverty, support social inclusion and strengthen families. Social programmes had been replaced by a set of federal social policies that included the National Plan for Food Security, the National Plan for Local Development and Social Economy and the Family Plan. New, efficient, service-delivery methodologies, including at the provincial level, ensured that some 94.4 per cent of the budget allocated to social programmes went directly to beneficiaries, instead of the 40 per cent of previous years.

360. Among the measures that had a direct impact on the situation of women were the increase in private sector salaries, the initiation of negotiations towards collective agreements and the increases in the minimum wage for 2004, public sector pay and minimum pensions. The scope of certain social programmes had been expanded significantly, through such measures as pensions for mothers with seven or more children and life pensions for all individuals over 70 years of age, the majority of whom were women, who previously lacked social security.

361. The crisis had generated, especially for women, a multiplicity of organizations and forms of social participation. These organizations had become the conduit for implementing various strategies in support of families. This social mobilization also deepened people's — and especially women's — awareness of their rights and supported their effective exercise, as well as the realization of equal opportunities. These organizations formed part of the Consultative Councils on Social Policy, which were responsible for ensuring the implementation of the social plans. Civil society organizations were critical for the development and implementation of assistance programmes and the restoration of the social fabric.

362. Institutional agreements existed between the National Women's Council and various bodies of the executive branch of Government. The National Women's Council participated in the development of strategic policies to restore the culture of work and strengthen equal rights and responsibilities between women and men within the family. It had developed various programmes aimed at capacity-building and the provision of technical assistance in areas relating to women at the provincial and municipal levels and to governmental and non-governmental organizations for the promotion of rights in the areas of paid and unpaid work, violence and health. The representative highlighted two of the Council's internationally funded programmes, namely, the Federal Programme for Women and the Programme to Strengthen the Family and Build Social Capital, and also noted that many of the Government's social programmes directly improved women's quality of life.

363. In concluding, the representative referred to the "Let's Get to Work" programme and its role in creating economic opportunities for women.

## Concluding comments of the Committee

### *Introduction*

364. The Committee expresses its appreciation to the State party for the timely submission of its follow-up report to the fourth and fifth periodic reports, which the Committee had requested upon consideration of those periodic reports in 2002, and for responding to the concerns raised at that time. The Committee congratulates the State party on its delegation, headed by the President of the National Women's Council. It commends the State party for the oral presentation made by the delegation, which sought to clarify the current situation of women in Argentina and provided additional information on the implementation of the Convention in the country.

365. The Committee commends the State party for its declared political will and efforts to improve the status of women in Argentina, and appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

366. The Committee is aware that the State party is still enduring the grave economic crisis that has affected the political, social and institutional life of the country.

### *Positive aspects*

367. The Committee congratulates the State party on the social policies and programmes put in place, particularly in the areas of poverty reduction, job creation

and access to education, aimed at repairing the damage done to the social fabric by the serious economic, financial, political and social crisis experienced by the country since 2001.

368. The Committee commends the State party for its measures to increase the participation of women in public life in the renewal process of the country. It particularly welcomes the fact that two women judges have been appointed to the Supreme Court of Justice, and that women now constitute 41.67 per cent of senators, 33 per cent of members of Parliament and 27 per cent of deputies in the provincial legislatures. It also welcomes the fact that, further to the adoption of National Law No. 25.674 and Decree No. 514/2003, known as the Law on Trade Union Quotas, a woman is now part of the presiding body of the confederation of labour.

369. The Committee appreciates that 21 provincial women's offices that form the Federal Women's Council have been consolidated for the implementation of policies and programmes on the advancement of women.

*Principal areas of concern and recommendations*

370. While welcoming the efforts of the State party, the Committee is concerned that the national machinery for the advancement of women does not have sufficient financial and human resources to effectively promote the advancement of women and gender equality in the present phase of political, economic and social renewal. The Committee is also concerned that the National Women's Council has a limited role in the governmental structure and that it is not part of the presidential Cabinet.

371. **The Committee recommends that the State party strengthen the existing national machinery in order to make it more effective as a catalyst for gender equality in all spheres of life of the country, at the federal as well as the provincial and local levels, by providing it with adequate visibility, power and human and financial resources at all levels and enhancing its ability to coordinate effectively the work of existing mechanisms at the national and local levels. It also calls on the State party to strengthen the machinery's capacity to effectively carry out activities for the advancement of women and the promotion of gender equality, and to ensure that gender perspectives are addressed in all policies and programmes.**

372. While welcoming the adoption and implementation of social and economic policies and programmes aimed at offsetting the impact of the crisis in the country, including the National Plan for Food Security, the National Plan for Local Development and Social Economy, the Family Plan, the Economic Emergency Law, the Emergency Health Law, the National Programme on Food Emergency and the Unemployed Head of Household Programme, the Committee is concerned that women are mainly beneficiaries of these measures rather than being equal participants and actors in their design and implementation. The Committee is concerned that this approach will perpetuate stereotypical views of the role of women and men rather than effectively support women's political and economic empowerment.

373. **The Committee recommends that the State party emphasize a women's-empowerment approach and incorporate gender perspectives in all its social and economic policies, programmes and projects so as to ensure that they**

**support the goal of gender equality and women's enjoyment of their human rights. It invites the State party to periodically assess such measures and their impact on women so as to ensure that they do not perpetuate discrimination against women.**

374. The Committee is concerned about the poor working conditions women endure in both the formal and informal sectors of the economy. It is particularly concerned about the persistence of wage disparities between women and men, which are discriminatory, and about the lack of social benefits and services for women. The Committee is concerned that in the prevailing situation of economic difficulty and uncertainty, women may face even greater obstacles than usual in claiming their rights and taking steps against discriminatory practices and attitudes in their employment and economic activities.

375. **The Committee urges the State party to make all necessary efforts to ensure the enforcement of legislation requiring employers to provide equal pay for equal work, as well as efforts to ensure that women receive adequate social benefits and services. It also calls on the State party to ensure full adherence to existing legislation so that women can use means of redress without fear of reprisals from employers.**

376. The Committee is concerned about the situation of rural women, particularly in view of their extreme poverty and lack of access to health care, education, credit facilities and community services.

377. **The Committee urges the State party to pay special attention to the needs of rural women, ensuring that they participate in decision-making processes and have full access to education, health services and credit facilities.**

378. The Committee expresses concern about the increase in the incidence of violence against women, including domestic violence and sexual harassment in the workplace, which might be correlated to the crisis in the country. The Committee is also concerned that perpetrators of acts of violence are often unpunished.

379. **The Committee urges the State party to ensure that a comprehensive approach is taken to address violence against women and girls, taking into account its general recommendation 19 on violence against women. This must include the effective implementation of the existing legislation, at the provincial level, to combat all forms of violence against women. In addition, the Committee urges the State party to consider enacting a law, at the federal level and applicable to the entire territory of the country, aimed at combating and eradicating violence against women and at ensuring that women who are victims of violence and sexual harassment have access to protection and effective redress, that perpetrators of such acts are effectively prosecuted and punished and that women are effectively protected against reprisals. The Committee also recommends that the State party launch a national public-awareness campaign on violence, against women and the social and moral unacceptability of such violence especially in the current difficult time the country is experiencing, and increase its efforts to provide gender-sensitive training on violence against women as a violation of women's human rights for public officials, particularly law enforcement personnel, the judiciary and health-service providers.**

380. While appreciating the establishment of the National Programme for Sexual Health and Responsible Parenthood, the Committee is concerned about the lack of information on the State party's efforts to evaluate the effectiveness of that Programme. The Committee also expresses concern about the high pregnancy rate among adolescents, the high rate of maternal mortality, one third of which is caused by illegal abortion, and the increase in sexually transmitted diseases, including HIV/AIDS. The Committee is also concerned that the crisis is having a negative impact on women's and adolescent girls' access to comprehensive health services, particularly for reproductive and sexual health.

381. **The Committee urges the State party to ensure that women's and adolescent girls' access to health services, including sexual and reproductive health services, is fully ensured at the present time. It calls upon the State party to ensure that education on sexual and reproductive health is undertaken in all schools. It also urges the State party to adopt all necessary measures to reduce the high maternal mortality rate, as well as the rate of sexually transmitted diseases, including HIV/AIDS, among women. The Committee requests the State party to include in its next periodic report comprehensive information on the evaluation of the National Programme for Sexual Health and Responsible Parenthood.**

382. The Committee is concerned that the report provided insufficient data on the types of vocational and technical education by sex and field of study and insufficient information on how sex education is taught and at which levels.

383. **The Committee requests the State party to include in its next report comprehensive data and information on women's educational situation and opportunities, including in respect of vocational education. The Committee requests the State party to provide in its next report information about the availability and provision of sex education.**

384. **The Committee urges the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

385. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report. It invites the State party to prepare its next periodic report in accordance with the Committee's guidelines for reporting.**

386. **The Committee notes that States' adherence to the seven major international human rights instruments, i.e. the International Covenant on Economic, Social and Cultural Rights (CESCR), the International Covenant on Civil and Political Rights (CCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (MWC) enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Argentina to consider ratifying the treaty to which it is not yet a party, i.e. the**

**International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.**

387. **The Committee requests the wide dissemination in Argentina of the present concluding comments in order to make the people of Argentina, and particularly government officials, politicians, parliamentarians and women's non-governmental organizations, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".**

# Chapter V

# Activities carried out under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

388. Article 12 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women provides that the Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the Optional Protocol.

## A. Action taken by the Committee in respect of issues arising from article 2 of the Optional Protocol

389. The Committee took note of the report of the Working Group on Communications under the Optional Protocol on its fourth session (see part two, annex VII). The Committee took action on communication 1/2003 (see part two, annex VIII).

## B. Action taken by the Committee in respect of issues arising from article 8 of the Optional Protocol

390. In accordance with article 8, paragraph 1, of the Optional Protocol, if the Committee receives reliable information indicating grave or systematic violations by a State party of rights set forth in the Convention, the Committee shall invite that State party to cooperate in the examination of the information and, to this end, to submit observations with regard to the information concerned.

391. In accordance with rule 77 of the Committee's rules of procedure, the Secretary-General shall bring to the attention of the Committee information that is or appears to be submitted for the Committee's consideration under article 8, paragraph 1, of the Optional Protocol.

392. In accordance with the provisions of rules 80 and 81 of the Committee's rules of procedure, all documents and proceedings of the Committee relating to its functions under article 8 of the Optional Protocol are confidential and all the meetings concerning its proceedings under that article are closed.

### Summary of the activities of the Committee concerning the inquiry on Mexico

393. By letter dated 2 October 2002, Equality Now, a non-governmental organization in special consultative status with the Economic and Social Council, and Casa Amiga, a rape crisis centre in Ciudad Juárez, Mexico, submitted information containing allegations of the abduction, rape and murder of women in the Ciudad Juárez area of Chihuahua, Mexico, in particular that, since 1993, more than 230 young women and girls, most of them maquiladora workers, had been killed in or near Ciudad Juárez. The organizations requested that the Committee undertake an inquiry concerning Mexico.

394. No information shall be received by the Committee if it concerns a State party which, in accordance with article 10, paragraph 1, of the Convention, declared at the

time of signature or ratification of the Optional Protocol that it did not recognize the competence of the Committee provided for in articles 8 and 9. Mexico ratified the Optional Protocol on 15 March 2002 without making such a declaration. The Procedure under article 8 could, therefore, be applied to Mexico.

395. During its twenty-eighth session (13 to 31 January 2003) the Committee, pursuant to article 82 of its Rules of Procedure, requested two of its members (Ms. Yolanda Ferrer Gómez and Ms. Maria Regina Tavares da Silva) to examine the information provided and other available information and, in the light of their examination, the Committee concluded that the information provided by Equality Now and Casa Amiga was reliable and that it contained substantiated indications of grave or systematic violations of rights set forth in the Convention. The Committee decided to invite the Government of Mexico to submit observations with regard to that information by 15 May 2003. The Government of Mexico submitted observations on 15 May 2003 and further observations on 7 July 2003. On 3 June 2003, Casa Amiga, Equality Now and the Mexican Committee for the Defence and Promotion of Human Rights submitted additional information to the Committee.

396. At the Committee's twenty-ninth session (30 June to 18 July 2003) the Committee decided to conduct an inquiry. It designated the same two of its members to visit Mexico and to report to the Committee confidentially at its next session in January 2004.

397. On 11 August 2003, the Government of Mexico was informed of the Committee's decision to establish an inquiry, and was requested to consent to a visit by the two members designated by the Committee. On 27 August 2003, the Government of Mexico agreed to the visit, confirmed Ms. Patricia Olamendi, Vice-Minister for Global Issues in the Ministry of Foreign Affairs, as its designated representative for the inquiry, made a commitment to provide all the assistance necessary to ensure that they could carry out their mission properly and agreed that the visit take place from 18 to 26 October 2003. From the outset, the Government of Mexico showed a willingness to cooperate fully with the Committee.

398. The two designated members of the Committee carried out the inquiry on the aforementioned dates. They visited the Federal District and State of Chihuahua (Chihuahua City and Ciudad Juárez) during the visit to Mexico.

399. In the Federal District, Ms. Ferrer Gómez and Ms. Tavares da Silva met with the Ministry of the Interior (Head of the Human Rights Promotion and Protection Unit, Deputy Director-General of the Unit and Adviser to the Under-Secretary for Human Rights), Ministry of Development (SEDESOL) (Minister, Under-Secretary for Urban Development and Land Management and Director-General of the Institute), Federal Government Commissioner for the cases of women in Ciudad Juárez, Public Prosecutor's Department/Office of the Attorney-General of the Republic and three Deputy Attorneys-General (Organized Crime, Regional Control, Protection and Criminal Proceedings and International Affairs) and the Directors-General of the Office of the Attorney-General (Crime Prevention, Victim Support), the National Women's Institute (INMUJERES) (Chairperson of the Institute, Technical Secretary, Coordinator for Advisers and Deputy Director-General for International Affairs), National Human Rights Commission (Second General Representative), Ministry of Foreign Affairs (Under-Secretary for Global Issues and Human Rights, Adviser to the Under-Secretary and Deputy Director-General of the Directorate-General of Human Rights). The members of the Committee also met

with nine representatives of the Special Committee of the Senate to Monitor the Murders of Women in Ciudad Juárez, five representatives of the Commission on Equity and Gender of the Chamber of Deputies and the Subcommission of Coordination and Contact to Prevent and Sanction Violence against Women in Ciudad Juárez. The experts also met with United Nations bodies (the United Nations Development Fund for Women (UNIFEM)) and non-governmental organizations (Mexican Committee for the Defence and Promotion of Human Rights and Milenio Feminista).

400. In the capital of the State of Chihuahua, the members of the Committee conducted interviews with the interim State Governor and Secretary-General of the Government, the Assistant State Public Prosecutor and the Director of Legal Affairs of the Office of the Public Prosecutor. They also called on the Head of the Chihuahua Women's Institute.

401. In Ciudad Juárez, Ms. Ferrer Gómez and Ms. Tavares da Silva held interviews with joint State/Federal, Federal and municipal authorities together with associations of the mothers of the women murdered or abducted in Ciudad Juárez or Ciudad Chihuahua, mothers and other relatives of victims and representatives of civil society. They visited sites where numerous victims' bodies had been found in 2001 and 2002/3, sites of maquiladoras and the poorest areas of Ciudad Juárez. They interviewed the Assistant State Public Prosecutor for the northern Region, the Special State Prosecutor (Joint Office of the Prosecutor for the investigation of the murders of women), the Personal Assistant to the Mayor, the Representative of the Office of the Attorney-General of the Republic, the Head of the Federal Section of the Joint Agency for the Investigation of the Murders of Women and the General Coordinator for Human Rights and Citizen Participation of the Ministry of Public Security (Preventive Federal Police).

402. In Ciudad Juárez, the two experts also met with organizations of the victims' relatives and mothers of victims (Nuestras Hijas de Regreso a Casa, Justicia para Nuestras Hijas, Integracíon de Madres de Juárez), local non-governmental organizations (Red Ciudadana No Violencia y Dignidad Humana, Casa Promoción Juvenil, Organización Popular Independiente, CETLAC, Grupo 8 de marzo and Sindicato de Telefonistas) and representatives of the local, national and international non-governmental organizations Casa Amiga, Equality Now and the Mexican Committee for the Defence and Promotion of Human Rights.

403. On 23 January 2004 during its thirtieth session (12-30 January 2004), the Committee, after having examined the findings of the inquiry, adopted its report including conclusions and recommendations addressed to the State party. Pursuant to article 8, paragraphs 3 and 4, the findings, comments and recommendations of the Committee were sent confidentially to the Permanent Representative of Mexico to the United Nations in New York with a request that the Government of Mexico submit observations thereon within six months of receipt.

404. On 21 July 2004, during its thirty-first session (6-23 July 2004), the Government of Mexico submitted its observations to the Committee. The Committee also received supplementary information from Equality Now, dated 7 July 2004. The Committee designated Ms. Ferrer Gómez and Ms. Tavares da Silva to examine the observations and additional information and to report thereon to the Committee.

405. Having considered the Government's observations the Committee decided, in accordance with article 9, paragraph 2, of the Optional Protocol, to invite the State party to submit, by 1 December 2004, a detailed report on steps taken, measures implemented and results achieved in relation to all the recommendations of the Committee contained in the Committee's findings transmitted to the State party on 23 January 2004.

406. All activities of the Committee or its designated members in relation to this inquiry were carried out in strict compliance with the relevant confidentiality provisions of the Optional Protocol and the Committee's rules of procedure.

407. The Committee noted that it will consider follow-up measures taken by the Government in response to its inquiry at its thirty-second session (10-28 January 2005).

408. The Committee decided that it would issue a summary of its findings and recommendations and the Government's response at a future date.

# Chapter VI

## Ways and means of expediting the work of the Committee

409. The Committee considered agenda item 6, on ways and means of expediting the work of the Committee, at its 648th and 666th meetings, on 6 and 23 July 2004, and in closed meetings.

### Action taken by the Committee under agenda item 6

#### Members of the pre-session working group for the thirty-second and thirty-third sessions

410. The Committee confirmed that the members of the pre-session working group for the thirty-second session should be:

Dorcas Frema Coker Appiah
Aida Gonzalez Martinez
Françoise Gaspard
Heisoo Shin
Victoria Popescu

411. The Committee decided that the members of the pre-session working group for the thirty-third session and their alternates should be:

Meriem Belmihoub-Zerdani
Salma Khan
Dubravka Šimonovic
(the remaining members remain to be determined)

Alternates:
Naela Gabr
Rosario Manalo
(the remaining alternates remain to be determined)

#### Dates of the thirty-second session, the pre-session working group for the thirty-third session and the fifth session of the Working Group on Communications under the Optional Protocol to the Convention

412. In accordance with the draft calendar of conferences and meetings for 2005, the thirty-second session of the Committee will be held from 10 to 28 January 2005. The pre-session working group for the thirty-third session will be held from 31 January to 4 February 2005. The fifth session of the Working Group on Communications under the Optional Protocol will be held from 31 January to 2 February 2005.

#### Dates of the thirty-third session, the pre-session working group for the thirty-fourth session and the sixth session of the Working Group on Communications under the Optional Protocol

413. In accordance with the draft calendar of conferences and meetings for 2005, the thirty-third session of the Committee will be held from 5 to 22 July 2005. The pre-session working group for the thirty-fourth session will be held from 25 to 29 July 2005. The sixth session of the Working Group on Communications under the

Optional Protocol will be held from 27 June to 1 July 2005. Should the General Assembly authorize the Committee to meet for an additional week at its thirty-third session, the session will be held from 5 to 29 July 2005, and the pre-session working group for the thirty-fourth session will be held from 1 to 5 August 2005.

**Reports to be considered at future sessions of the Committee**

414. The Committee decided to consider the following reports at its thirty-second and thirty-third sessions:

(a) Thirty-second session

(i) Initial reports:

Lao People's Democratic Republic (combined initial second, third, fourth and fifth periodic reports)

Samoa (combined initial, second and third periodic reports)

(ii) Periodic reports:

Algeria (second periodic report)

Croatia (combined second and third periodic reports)

Gabon (combined second, third, fourth and fifth periodic reports)

Italy (combined fourth and fifth periodic reports)

Paraguay (combined third and fourth, and fifth periodic reports)

Turkey (combined fourth and fifth periodic reports)

(b) Thirty-third session

(i) Initial reports:

Benin (combined initial, second and third periodic reports)

Democratic People's Republic of Korea (initial report)

Gambia (combined initial, second and third periodic reports)

Lebanon (initial report)

The former Yugoslav Republic of Macedonia (combined initial, second and third periodic reports)

(ii) Periodic reports:

Australia (combined fourth and fifth periodic reports)

Burkina Faso (combined fourth and fifth periodic reports)

Guyana (combined third, fourth, fifth and sixth periodic reports)

Ireland (combined fourth and fifth periodic reports)

Israel (third periodic report)

Thailand (combined fourth and fifth periodic reports)

415. The Committee noted that the above number of 11 States parties' reports is based on the assumption that the General Assembly will authorize the Committee to

meet for an additional week at its thirty-third session. Should this not be the case, the following three States parties' reports will be considered at the thirty-fourth session in January 2006: Australia, Thailand, and the former Yugoslav Republic of Macedonia.

### Enhancing the Committee's working methods under article 18 of the Convention

### Action on the agreements reached at the informal meeting held in Utrecht, the Netherlands, 5-7 May 2004 on working methods

416. The Committee agreed to request the General Assembly at its fifty-ninth session to allocate the necessary financial resources for an extension of the Committee's meeting time (see decision 31/I). A statement of programme budget implications is contained in part two, annex IX.

417. The Committee adopted the following measures (a.-j.) to enhance its working methods, and decided to implement them as of its thirty-second session in January 2005.

#### *(a) Consideration of reports by the Committee and constructive dialogue with States parties*

418. As of January 2005, two meetings will be allocated for the consideration of initial reports, and two meetings will continue to be allocated for consideration of periodic reports. Each State party's introduction will be limited to 30 minutes.

419. At the beginning of the constructive dialogue, the Chairperson will state the number of experts that will be posing questions under each article or cluster so that experts may consider their own interventions in regard to other experts' questions under each article in each cluster. Each expert will limit her/his interventions to not more than two per State party, and each intervention will be limited to three minutes. A speech timer will continue to be used to monitor adherence to the time limit.

420. A country task force will be established, on an experimental basis, for one of the States that will be reporting at the thirty-first session. Members of the country task force will take the lead during the constructive dialogue with the State party. The details concerning the modalities of the country task force will be determined at that session.

421. After the introduction by the State party, the Chairperson will orient the State party's delegation to the need for careful time management, and precise, short and direct responses to questions asked. The Chairperson will also invite the State party to clearly indicate when a response to a question cannot be provided as lack of, or inadequate replies to questions raised may result in follow-up questions to be put to the State party at the end of the dialogue, and eventually, may be reflected in the concluding comments. The Chairperson will also indicate to the delegation that when necessary, the delegation will be asked to limit its responses for time considerations.

422. Initial reports will be considered on an article-by-article basis, with the exception of articles 1 and 2, 7 and 8, and 15 and 16, which will be considered as clusters. A group of questions posed by experts will be followed by the State party's responses, followed by another group of questions and responses until all articles

have been covered. The separate round for general observations will be discontinued, but experts will have the possibility to include any general observations with their questions on articles 1 and 2.

423. Periodic reports will be considered in accordance with the four substantive parts of the Convention (i.e. part I, articles 1 to 6; part II, articles 7 to 9; part III, articles 10 to 14; and part IV, articles 15 to 16), and experts' questions will be clustered accordingly. When signing up for questions under a cluster, experts will indicate in parentheses, to the extent possible, under which article they will pose a question so as to allow the Chairperson to group questions, as appropriate.

### (b) *Pre-session working group*

424. The pre-session working group will prepare lists of issues and questions for initial reports (starting with the pre-session working group for the thirty-second session), as well as periodic reports. Each list will contain not more than a total of 30 clear and direct questions. In preparing the lists of issues and questions for periodic reports, the pre-session working group will pay particular attention to the State party's follow-up to previous concluding comments and also take into consideration its previous report. The practice of clustering questions under priority topics rather than addressing specific articles will continue. The pre-session working group will advise the Committee of the rationale for the choice of prioritization of issues raised, either in the report of the Chairperson of the pre-session working group to the Committee or, when appropriate, in the country rapporteur's briefing to the Committee.

425. Geographical balance in the composition of the pre-session working group will continue to be maintained to the extent possible.

426. The Committee will keep the work of the pre-session working group under review. In particular, modalities will be explored for including all country rapporteurs in the pre-session working group while possibly shortening the duration of the meeting of the pre-session working group.

### (c) *Country rapporteur*

427. The Committee will continue to designate from among its members a country rapporteur for the report(s) of each State party, and the role of the rapporteur will be further strengthened. The country rapporteur will provide a short briefing of 10 to 15 minutes to the Committee in closed meeting on the day, or one of the days, preceding the consideration of the report(s). The briefing will highlight the main challenges and issues for consideration rather than provide a summary of the report, and the country rapporteur will refer to the rationale for the priorities contained in the list of issues and questions. The country rapporteur will also take the lead role in guiding the Committee in the identification of priorities for inclusion in the concluding comments in regard to periodic reports.

428. As far as possible, country rapporteurs will be included in the pre-session working group tasked with preparation of the lists of issues and questions with regard to the States parties selected for consideration. The Secretariat will provide the same information concerning the report(s) of the States selected for consideration simultaneously to the country rapporteur and the members of the pre-session working group in cases where the country rapporteur is not a member of the

pre-session working group. In such cases the country rapporteur will collaborate with the members of the pre-session working group in drawing up the list of issues and questions in an effective and timely manner. In particular, the country rapporteur will make contact with the member of the pre-session working group responsible for finalizing the list of issues and questions concerning the country rapporteur's assigned report.

### (d) *Focused concluding comments*

429. The Committee agreed on the desirability to prioritize a limited number of focused critical concerns of an emerging or persistent nature in each of its concluding comments on periodic reports. To that end, the Committee decided that, starting in January 2005, the section on principal areas of concern and recommendations of each of its concluding comments on periodic reports will begin with a paragraph to assess the general framework for implementation of the Convention in the State party. That paragraph will also refer to, or reiterate, issues of concern highlighted in previous concluding comments, as well as action, or lack of action, taken in this regard by the State party. The Committee will ensure that concluding comments are specific to the concrete situation in the reporting State rather than being formulated in generic terms.

430. Further consideration and discussion will take place concerning criteria for prioritization of concerns in concluding comments on subsequent periodic reports.

### (e) *Procedure for drafting and adopting concluding comments*

431. The expert designated as country rapporteur will also draft the concluding comments. The Committee holds a closed meeting after the constructive dialogue to consider the main issues and trends to be reflected in the concluding comments relating to the report of the State party. Concluding comments drafted thereafter reflect only the views expressed at the meetings during which the report is presented and not the views of the individual country rapporteur. Experts indicate to the country rapporteur, immediately after the closed meeting on the main issues and trends to be reflected in the particular concluding comments, their interest in being consulted on the draft. After the country rapporteur has completed the draft, she/he consults these experts and incorporates their comments, to the extent possible, before the draft is submitted for translation. Once the draft is available in languages, all experts will continue to have the opportunity to provide their comments to the country rapporteur before the draft is taken up in closed plenary. At that stage, the country rapporteur will also flag any unresolved matters contained in the draft. There will be no additional substantive or language editing of the draft in closed plenary.

### (f) *Standard elements to be included in concluding comments*

432. The Committee reiterates the current standard elements to be included in the introduction and standard closing paragraphs of concluding comments (see decision 19/II, paras. 397 (g) and 374-375 adopted at its twenty-seventh session). Reference will also be made to ratification of the Optional Protocol to the Convention. A new first paragraph will be added to the section on principal areas of concern (see under "focused concluding comments").

433. The Committee will continue the practice of stating the due date for the next periodic report in its concluding comments as a way of reminding States parties about their reporting obligations under article 18 of the Convention. States parties will be invited to combine the next two reports in cases where the due date of the next report is already passed or is within the year.

### (g) *Format and length of States parties' reports and of replies to lists of issues and questions*

434. The Committee confirmed the established page limitation of 100 and 70 pages, respectively, for initial and periodic reports, as stated in the Committee's reporting guidelines (A/57/38, part two, annex). The State party may attach annexes which will, however, not be translated.

435. A State party's reply to the list of issues and questions should be short, precise and to the point and should not exceed the page limit of 25 to 30 pages (Times New Roman type, 12 point font). When transmitting the lists of issues and questions, States parties will be informed accordingly. States parties will have the possibility of attaching a limited number of additional pages of statistical data only.

436. When faced with reports or responses in excess of page limits, the Chairperson, during the constructive dialogue, will raise this aspect with the State party's delegation in her opening and closing remarks. A reflection of this concern may also be included in the concluding comments, whereby some flexibility will be applied in regard to initial reports.

437. The Secretariat is requested to play a more proactive role in communicating to States parties the Committee's guidelines with regard to the page limitations applicable to reports and responses. The Secretariat is also requested to introduce further efforts to ensure that responses are obtained in a timely manner from the reporting States.

### (h) *Reports requested on an exceptional basis*

438. The Committee confirmed its decision 21/I that it may sometimes be necessary to request exceptional reports from States parties, under article 18.1 (b) of the Convention, in order to obtain and examine the information on an actual or potential violation of women's human rights, where there is special cause for concern about such violation. In this respect, the Committee adopted the following revised standards and guidelines:

- There should be reliable and adequate information indicating grave or systematic violations of women's human rights, in whatever situation;
- Such violations are those that are gender-based, directed at women or affecting women because of their sex;
- Reports should focus on a particular issue or issues identified by the Committee;
- States parties shall submit their reports for consideration at such session as the Committee determines.

The standardized terminology for reports of this nature will be reports requested on an exceptional basis. Modalities for considering reports requested on an exceptional basis will be determined on a case-by-case basis by the Committee, and building on the experience the Committee will gain in the consideration of Argentina's follow-up report at its thirty-first session.

### *(i) Consideration of implementation of the Convention in the absence of a report*

439. The Committee decided that, in principle, it will consider implementation of the Convention by a State party in the absence of a report, only as a measure of last resort and in the presence of a delegation. In doing so, the Committee noted the recommendation of the fifteenth meeting of the chairpersons of human rights treaty bodies concerning incremental and graduated measures to encourage submission of overdue reports, including scheduling the examination of the implementation of the Convention in the State party in the absence of a report but with the participation of a delegation of the State party concerned (see A/58/350). Such a measure will be taken on a case-by-case basis, in particular, in instances where a State party has not submitted an initial report many years after ratification and the Committee's assessment of possible reasons for non-reporting. This step will be preceded by other efforts, including notification of the State party concerned of the Committee's intention to take up implementation of the Convention at a designated future session, inviting the State party to submit the requested report before the designated session. Designation of a future session will be made with the consideration to allow the State party sufficient time to prepare and submit its report.

### *(j) Development of a follow-up mechanism for the implementation of concluding comments*

440. The Committee decided that, due to its current workload, this issue will be revisited at a later stage.

### Overview of the Committee's working methods

441. The Committee agreed to include in its annual report an overview of its current working methods in order to make these more transparent and readily accessible to States parties and others interested in the implementation of the Convention, including United Nations agencies, programmes and funds and civil society organizations (see part two, annex X).

### Request for a combined second and third periodic report of India

442. The Committee expressed its disappointment that no reply had been received from the Government of India to its previous two letters seeking information on the anticipated date of submission of the combined second and third periodic reports of India (due on 8 August 1998 and 8 August 2002, respectively), including information on the events of Gujarat and their impact on women. The Committee further expressed its disappointment that the Chairperson's meeting with the Deputy Permanent Representative of India to the United Nations, in New York, on 2 March 2004, had likewise not led to the hoped-for result. The Committee therefore decided to address a letter to the Minister for Foreign Affairs, seeking the cooperation of the Government of India in providing the requested information.

### Summary records

443. The Committee continued its consideration of this question from its twenty-ninth session. It took note of the request by the General Assembly at its fifty-eighth session (resolution 58/250) that the Secretary-General conduct a thorough cost-benefit study of summary records and to review the list of bodies entitled to them, in full consultation with all relevant intergovernmental bodies, with a view to assessing the need for such records, and to explore the possibility of delivering them in a more efficient and effective manner and to report thereon, through the Committee on Conferences, to the General Assembly at its fifty-ninth session. In order to support preparation of the study, the Committee's views, as one of the bodies currently entitled to summary records, were sought by the Secretariat, including whether the Committee could consider the possibility of relinquishing or curtailing the use of summary records, as well as possible alternatives to summary records.

445. Based on the suggested options, the Committee expressed a preference for the option of digital sound recordings of the proceedings made available in all six official languages on the United Nations web site or at specially equipped listening booths. At the same time, the Committee reiterated its concern that notwithstanding its entitlement to summary records of its proceedings, no such summery records, in any language, had been issued for many years.

### Twenty-fifth anniversary of the adoption of the Convention

455. The Committee took note of preparations by its secretariat to hold a celebratory event in the form of a round-table discussion during the fifty-ninth session of the General Assembly to commemorate the adoption of the Convention by the Assembly in its resolution 34/180 of 18 December 1979. The Committee welcomed the efforts undertaken by the Secretariat. It decided to issue a statement at the time of the commemorative event in mid-October, which would be prepared through consultation among members via e-mail. The Committee agreed on the focus and approach of the statement as well as the timetable for its preparation. The statement would be reissued on 18 December. Members suggested a series of additional ways to highlight the anniversary, including communication of the statement to all States parties by the Chairperson with an encouragement to organize activities at the national level, such as seminars, round-table discussions and media events, to increase awareness of the Convention, its Optional Protocol and States parties' commitment to the practical realization of the human rights of women.

### Follow-up to the recommendations of the third inter-committee meeting and the sixteenth meeting of chairpersons of the human rights treaty bodies

446. The Committee considered the recommendations of the third inter-committee meeting (Geneva, 21 and 22 June 2004) and the sixteenth meeting of chairpersons of the human rights treaty bodies (Geneva 23-25 June 2004) and, in particular, the proposals on guidelines for an expanded core document and treaty-specific targeted reports and harmonized guidelines on reporting under the international human rights treaties (HRI/MC/2004/3). Following its preliminary exchange of views and suggestions of members, the Committee agreed that its working group on this question (Ms. Popescu, Ms. Schöpp-Schilling and Ms. Shin) would prepare proposals for consideration and further discussion at its thirty-second session, to be held in January 2005. Members were invited to submit their further suggestions and

comments in writing to the members of the group (with a copy to the secretariat). In view of the importance of this issue, members agreed that sufficient time would need to be set aside in January to allow for an in-depth discussion.

### Database on good practices of temporary special measures

447. The Committee discussed the proposal of Ms. Schöpp-Schilling to develop a web-based database of good practices of States parties in using temporary special measures. Experts could extract such good practices from past and future reports of States parties, and select the best examples for inclusion in the database where they could be easily accessible to interested States parties. As the resource implications for the implementation of this suggestion for the Secretariat would depend on the concrete modalities, it was agreed that the Committee would, at its next session, further examine this proposal on the basis of concrete examples that Ms. Schöpp-Schilling and other members will be providing.

# Chapter VII

## Implementation of article 21 of the Convention

448. The Committee considered agenda item 5, on the implementation of article 21 of the Convention, at its 648th and 665th meetings, on 6 and 23 July 2004, and in closed meetings.

### Action taken by the Committee under agenda item 5

#### General recommendation 26 on article 2 of the Convention

449. Based on its decision taken at its twenty-ninth session that its next general recommendation would be on article 2 of the Convention, and that work thereon would commence at its thirty-first session, in July 2004, the Committee embarked on the first stage of the process, that is, general discussions and exchange of views on the subject of the proposed general recommendation during an open meeting of the Committee. Specialized agencies and other United Nations bodies, as well as non-govemmental organizations, had been encouraged to participate in the discussion and to prepare informal background papers as appropriate. The Committee's secretariat had made this decision widely known, including by writing to specialized agencies and other United Nations bodies, and to a number of non-governmental organizations. Relevant information was also posted on the web site of the Division for the Advancement of Women.

450. The Committee held a general discussion on 21 July, in which representatives from seven non-governmental organizations and four United Nations entities participated. The Committee subsequently agreed to establish an intersessional task force with the following core members: Mr. Flinterman, Ms. Gnacadja, Ms. Manalo, Ms. Morvai, and Ms. Šimonovic. The task force will determine its own method of work and will prepare intersessionally a document containing proposed elements, for discussion by the Committee in January 2005. The group will draw from the Committee's initial discussion held on the topic at its informal meeting in Utrecht, as well as the inputs and suggestions made during the general discussion held on 21 July. All other interested members of the Committee are invited to submit any contributions to the members of the task force.

# Chapter VIII

## Provisional agenda for the thirty-second session

451. The Committee approved the following provisional agenda for the session:

1. Opening of the session.
2. Solemn declaration by the new members of the Committee.
3. Election of officers.
4. Adoption of the agenda and organization of work.
5. Report of the Chairperson on activities undertaken between the thirty-first and thirty-second sessions of the Committee.
6. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
7. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.
8. Ways and means of expediting the work of the Committee.
9. Activities of the Committee under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
10. Provisional agenda for the thirty-third session.
11. Adoption of the report of the Committee on its thirty-second session.

# Chapter IX

## Adoption of the report

452. The Committee considered the draft report on its thirty-first session (CEDAW/C/2004/II/CRP.3 and Add.1-8) at its 665th meeting (see CEDAW/C/SR.665) and adopted it, as orally revised during the discussion.

# nnex I

## States parties to the Convention on the Elimination of All Forms of Discrimination against Women, as at 1 August 2004

| *States parties* | *Date of receipt of the instrument of ratification or accession (a), succession (b)* | *Date of entry into force* |
|---|---|---|
| Afghanistan | 5 March 2003 | 4 April 2003 |
| Albania | 11 May 1994[a] | 10 June 1994 |
| Algeria | 22 May 1996[a] | 21 June 1996 |
| Andorra | 15 January 1997[a] | 14 February 1997 |
| Angola | 17 September 1986[a] | 17 October 1986 |
| Antigua and Barbuda | 1 August 1989[a] | 31 August 1989 |
| Argentina | 15 July 1985 | 14 August 1985 |
| Armenia | 13 September 1993[a] | 13 October 1993 |
| Australia | 28 July 1983 | 27 August 1983 |
| Austria | 31 March 1982 | 30 April 1982 |
| Azerbaijan | 10 July 1995[a] | 9 August 1995 |
| Bahamas | 8 October 1993[a] | 7 November 1993 |
| Bahrain | 18 June 2002[a] | 18 July 2002 |
| Bangladesh | 6 November 1984[a] | 6 December 1984 |
| Barbados | 16 October 1980 | 3 September 1981 |
| Belarus | 4 February 1981 | 3 September 1981 |
| Belgium | 10 July 1985 | 9 August 1985 |
| Belize | 16 May 1990 | 15 June 1990 |
| Benin | 12 March 1992 | 11 April 1992 |
| Bhutan | 31 August 1981 | 30 September 1981 |
| Bolivia | 8 June 1990 | 8 July 1990 |
| Bosnia and Herzegovina | 1 September 1993[b] | 1 October 1993 |
| Botswana | 13 August 1996[a] | 12 September 1996 |
| Brazil | 1 February 1984 | 2 March 1984 |

| *States parties* | *Date of receipt of the instrument of ratification or accession (a), succession (b)* | *Date of entry into force* |
|---|---|---|
| Bulgaria | 8 February 1982 | 10 March 1982 |
| Burkina Faso | 14 October 1987[a] | 13 November 1987 |
| Burundi | 8 January 1992 | 7 February 1992 |
| Cambodia | 15 October 1992[a] | 14 November 1992 |
| Cameroon | 23 August 1994 | 22 September 1994 |
| Canada | 10 December 1981 | 9 January 1982 |
| Cape Verde | 5 December 1980[a] | 3 September 1981 |
| Central African Republic | 21 June 1991[a] | 21 July 1991 |
| Chad | 9 June 1995[a] | 9 July 1995 |
| Chile | 7 December 1989 | 6 January 1990 |
| China | 4 November 1980 | 3 September 1981 |
| Colombia | 19 January 1982 | 18 February 1982 |
| Comoros | 31 October 1994[a] | 30 November 1994 |
| Congo | 26 July 1982 | 25 August 1982 |
| Costa Rica | 4 April 1986 | 4 May 1986 |
| Côte d'Ivoire | 18 December 1995 | 17 January 1996 |
| Croatia | 9 September 1992[b] | 9 October 1992 |
| Cuba | 17 July 1980 | 3 September 1981 |
| Cyprus | 23 July 1985[a] | 22 August 1985 |
| Czech Republic[c] | 22 February 1993[b] | 24 March 1993 |
| Democratic People's Republic of Korea | 27 February 2001[a] | 29 March 2001 |
| Democratic Republic of the Congo[d] | 17 October 1986 | 16 November 1986 |
| Denmark | 21 April 1983 | 21 May 1983 |
| Djibouti | 2 December 1998[a] | 1 January 1999 |
| Dominica | 15 September 1980 | 3 September 1981 |
| Dominican Republic | 2 September 1982 | 2 October 1982 |
| Ecuador | 9 November 1981 | 9 December 1981 |

| *States parties* | *Date of receipt of the instrument of ratification or accession (a), succession (b)* | *Date of entry into force* |
|---|---|---|
| Egypt | 18 September 1981 | 18 October 1981 |
| El Salvador | 19 August 1981 | 18 September 1981 |
| Equatorial Guinea | 23 October 1984[a] | 22 November 1984 |
| Eritrea | 5 September 1995[a] | 5 October 1995 |
| Estonia | 21 October 1991[a] | 20 November 1991 |
| Ethiopia | 10 September 1981 | 10 October 1981 |
| Fiji | 28 August 1995[a] | 27 September 1995 |
| Finland | 4 September 1986 | 4 October 1986 |
| France | 14 December 1983 | 13 January 1984 |
| Gabon | 21 January 1983 | 20 February 1983 |
| Gambia | 16 April 1993 | 16 May 1993 |
| Georgia | 26 October 1994[a] | 25 November 1994 |
| Germany[c] | 10 July 1985 | 9 August 1985 |
| Ghana | 2 January 1986 | 1 February 1986 |
| Greece | 7 June 1983 | 7 July 1983 |
| Grenada | 30 August 1990 | 29 September 1990 |
| Guatemala | 12 August 1982 | 11 September 1982 |
| Guinea | 9 August 1982 | 8 September 1982 |
| Guinea-Bissau | 23 August 1985 | 22 September 1985 |
| Guyana | 17 July 1980 | 3 September 1981 |
| Haiti | 20 July 1981 | 3 September 1981 |
| Honduras | 3 March 1983 | 2 April 1983 |
| Hungary | 22 December 1980 | 3 September 1981 |
| Iceland | 18 June 1985 | 18 July 1985 |
| India | 9 July 1993 | 8 August 1993 |
| Indonesia | 13 September 1984 | 13 October 1984 |
| Iraq | 13 August 1986[a] | 12 September 1986 |
| Ireland | 23 December 1985[a] | 22 January 1986 |

| *States parties* | *Date of receipt of the instrument of ratification or accession (a), succession (b)* | *Date of entry into force* |
|---|---|---|
| Israel | 3 October 1991 | 2 November 1991 |
| Italy | 10 June 1985 | 10 July 1985 |
| Jamaica | 19 October 1984 | 18 November 1984 |
| Japan | 25 June 1985 | 25 July 1985 |
| Jordan | 1 July 1992 | 31 July 1992 |
| Kazakhstan | 26 August 1998[a] | 25 September 1998 |
| Kenya | 9 March 1984[a] | 8 April 1984 |
| Kiribati | 17 March 2004[a] | 16 April 2004 |
| Kuwait | 2 September 1994[a] | 2 October 1994 |
| Kyrgyzstan | 10 February 1997[a] | 12 March 1997 |
| Lao People's Democratic Republic | 14 August 1981 | 13 September 1981 |
| Latvia | 14 April 1992[a] | 14 May 1992 |
| Lebanon | 16 April 1997[a] | 16 May 1997 |
| Lesotho | 22 August 1995 | 21 September 1995 |
| Liberia | 17 July 1984[a] | 16 August 1984 |
| Libyan Arab Jamahiriya | 16 May 1989[a] | 15 June 1989 |
| Liechtenstein | 22 December 1995[a] | 21 January 1996 |
| Lithuania | 18 January 1994[a] | 17 February 1994 |
| Luxembourg | 2 February 1989 | 4 March 1989 |
| Madagascar | 17 March 1989 | 16 April 1989 |
| Malawi | 12 March 1987[a] | 11 April 1987 |
| Malaysia | 5 July 1995[a] | 4 August 1995 |
| Maldives | 1 July 1993[a] | 31 July 1993 |
| Mali | 10 September 1985 | 10 October 1985 |
| Malta | 8 March 1991[a] | 7 April 1991 |
| Mauritania | 10 May 2001[a] | 9 June 2001 |
| Mauritius | 9 July 1984[a] | 8 August 1984 |
| Mexico | 23 March 1981 | 3 September 1981 |

| *States parties* | *Date of receipt of the instrument of ratification or accession (a), succession (b)* | *Date of entry into force* |
|---|---|---|
| Mongolia | 20 July 1981 | 3 September 1981 |
| Morocco | 21 June 1993[a] | 21 July 1993 |
| Mozambique | 21 April 1997[a] | 21 May 1997 |
| Myanmar | 22 July 1997[a] | 21 August 1997 |
| Namibia | 23 November 1992[a] | 23 December 1992 |
| Nepal | 22 April 1991 | 22 May 1991 |
| Netherlands | 23 July 1991 | 22 August 1991 |
| New Zealand | 10 January 1985 | 9 February 1985 |
| Nicaragua | 27 October 1981 | 26 November 1981 |
| Niger | 8 October 1999[a] | 7 November 1999 |
| Nigeria | 13 June 1985 | 13 July 1985 |
| Norway | 21 May 1981 | 3 September 1981 |
| Pakistan | 12 March 1996[a] | 11 April 1996 |
| Panama | 29 October 1981 | 28 November 1981 |
| Papua New Guinea | 12 January 1995[a] | 11 February 1995 |
| Paraguay | 6 April 1987[a] | 6 May 1987 |
| Peru | 13 September 1982 | 13 October 1982 |
| Philippines | 5 August 1981 | 4 September 1981 |
| Poland | 30 July 1980 | 3 September 1981 |
| Portugal | 30 July 1980 | 3 September 1981 |
| Republic of Korea | 27 December 1984 | 26 January 1985 |
| Republic of Moldova | 1 July 1994[a] | 31 July 1994 |
| Romania | 7 January 1982 | 6 February 1982 |
| Russian Federation | 23 January 1981 | 3 September 1981 |
| Rwanda | 2 March 1981 | 3 September 1981 |
| Saint Kitts and Nevis | 25 April 1985[a] | 25 May 1985 |
| Saint Lucia | 8 October 1982[a] | 7 November 1982 |
| Saint Vincent and the Grenadines | 4 August 1981[a] | 3 September 1981 |

| *States parties* | *Date of receipt of the instrument of ratification or accession (a), succession (b)* | *Date of entry into force* |
|---|---|---|
| Samoa | 25 September 1992[a] | 25 October 1992 |
| San Marino | 10 December 2003 | 9 January 2004 |
| Sao Tome and Principe | 3 June 2003 | 2 July 2003 |
| Saudi Arabia | 7 September 2000 | 7 October 2000 |
| Senegal | 5 February 1985 | 7 March 1985 |
| Serbia and Montenegro[f] | 12 March 2001[b] | 10 April 2001 |
| Seychelles | 5 May 1992[a] | 4 June 1992 |
| Sierra Leone | 11 November 1988 | 10 December 1988 |
| Singapore | 5 October 1995[a] | 4 November 1995 |
| Slovakia | 28 May 1993[a] | 27 June 1993 |
| Slovenia | 6 July 1992[b] | 5 August 1992 |
| Solomon Islands | 6 May 2002[a] | 5 June 2002 |
| South Africa | 15 December 1995 | 14 January 1996 |
| Spain | 5 January 1984 | 4 February 1984 |
| Sri Lanka | 5 October 1981 | 4 November 1981 |
| Suriname | 1 March 1993[a] | 31 March 1993 |
| Swaziland | 26 March 2004[a] | 25 April 2004 |
| Sweden | 2 July 1980 | 3 September 1981 |
| Switzerland | 27 March 1997 | 26 April 1997 |
| Syrian Arab Republic | 18 March 2003[a] | 17 April 2003 |
| Tajikistan | 26 October 1993[a] | 25 November 1993 |
| Thailand | 9 August 1985[a] | 8 September 1985 |
| The former Yugoslav Republic of Macedonia | 18 January 1994[b] | 17 February 1994 |
| Timor-Leste | 16 April 2003[a] | 16 May 2003 |
| Togo | 26 September 1983[a] | 26 October 1983 |
| Trinidad and Tobago | 12 January 1990 | 11 February 1990 |
| Tunisia | 20 September 1985 | 20 October 1985 |

| *States parties* | *Date of receipt of the instrument of ratification or accession (a), succession (b)* | *Date of entry into force* |
|---|---|---|
| Turkey | 20 December 1985[a] | 19 January 1986 |
| Turkmenistan | 1 May 1997[a] | 31 May 1997 |
| Tuvalu | 6 October 1999[a] | 5 November 1999 |
| Uganda | 22 July 1985 | 21 August 1985 |
| Ukraine | 12 March 1981 | 3 September 1981 |
| United Kingdom of Great Britain and Northern Ireland | 7 April 1986 | 7 May 1986 |
| United Republic of Tanzania | 20 August 1985 | 19 September 1985 |
| Uruguay | 9 October 1981 | 8 November 1981 |
| Uzbekistan | 19 July 1995[a] | 18 August 1995 |
| Vanuatu | 8 September 1995[a] | 8 October 1995 |
| Venezuela | 2 May 1983 | 1 June 1983 |
| Viet Nam | 17 February 1982 | 19 March 1982 |
| Yemen[g] | 30 May 1984[a] | 29 June 1984 |
| Zambia | 21 June 1985 | 21 July 1985 |
| Zimbabwe | 13 May 1991[a] | 12 June 1991 |

[a] Ratification, accession.

[b] Succession.

[c] Before becoming separate States on 1 January 1993, the Czech Republic and Slovakia formed part of Czechoslovakia which had ratified the Convention on 16 February 1982.

[d] Effective 17 May 1997, Zaire was renamed Democratic Republic of the Congo.

[e] With effect from 3 October 1990, the German Democratic Republic (which ratified the Convention on 9 July 1980) and the Federal Republic of Germany (which ratified the Convention on 10 July 1985) united to form one sovereign State, which acts in the United Nations under the designation Germany.

[f] On 4 February 2003, the name of the State of the Federal Republic of Yugoslavia was changed to Serbia and Montenegro.

[g] On 22 May 1990, Democratic Yemen and Yemen merged to form a single State, which acts in the United Nations under the designation Yemen.

# Annex II

## States parties which have deposited with the Secretary-General instruments of acceptance of the amendment to article 20, paragraph 1, of the Convention

| *States parties* | *Acceptance date* |
|---|---|
| Andorra | 14 October 2002 |
| Australia | 4 June 1998 |
| Austria | 11 September 2000 |
| Bahamas | 17 January 2003 |
| Brazil | 5 March 1997 |
| Canada | 3 November 1997 |
| Chile | 8 May 1998 |
| China | 10 July 2002 |
| Croatia | 24 October 2003 |
| Cyprus | 30 July 2002 |
| Denmark | 12 March 1996 |
| Egypt | 2 August 2001 |
| Finland | 18 March 1996 |
| France | 8 August 1997 |
| Germany | 25 February 2002 |
| Guatemala | 3 June 1999 |
| Iceland | 8 May 2002 |
| Ireland | 11 June 2004 |
| Italy | 31 May 1996 |
| Japan | 12 June 2003 |
| Jordan | 11 January 2002 |
| Lesotho | 12 November 2001 |
| Liechtenstein | 15 April 1997 |
| Luxembourg | 1 July 2003 |
| Madagascar | 19 July 1996 |

| *States parties* | *Acceptance date* |
|---|---|
| Maldives | 7 February 2002 |
| Mali | 20 June 2002 |
| Malta | 5 March 1997 |
| Mauritius | 29 October 2002 |
| Mexico | 16 September 1996 |
| Mongolia | 19 December 1997 |
| Netherlands[a] | 10 December 1997 |
| New Zealand | 26 September 1996 |
| Niger | 1 May 2002 |
| Norway | 29 March 1996 |
| Panama | 5 November 1996 |
| Philippines | 12 November 2003 |
| Portugal | 8 January 2002 |
| Republic of Korea | 12 August 1996 |
| Sweden | 17 July 1996 |
| Switzerland | 2 December 1997 |
| Turkey | 9 December 1999 |
| United Kingdom of Great Britain and Northern Ireland[b] | 19 November 1997 |
| Uruguay | 8 January 2004 |

[a] For the Kingdom in Europe, the Netherlands Antilles and Aruba.

[b] For the United Kingdom of Great Britain and Northern Ireland, the Isle of Man, the British Virgin Islands, and the Turks and Caicos Islands.

# Annex III

## States parties which have signed, ratified or acceded to the Optional Protocol to the Convention

| *States parties* | *Date signed* | *Ratification, accession*[a] |
|---|---|---|
| Albania | | 23 June 2003[a] |
| Andorra | 9 July 2001 | 14 October 2002 |
| Argentina | 28 February 2000 | |
| Austria | 10 December 1999 | 6 September 2000 |
| Azerbaijan | 6 June 2000 | 1 June 2001 |
| Bangladesh[b] | 6 September 2000 | 6 September 2000 |
| Belarus | 29 April 2002 | 3 February 2004 |
| Belgium | 10 December 1999 | 17 June 2004 |
| Belize[b] | | 9 December 2002[a] |
| Benin | 25 May 2000 | |
| Bolivia | 10 December 1999 | 27 September 2000 |
| Bosnia and Herzegovina | 7 September 2000 | 4 September 2002 |
| Brazil | 13 March 2001 | 28 June 2002 |
| Bulgaria | 6 June 2000 | |
| Burkina Faso | 16 November 2001 | |
| Burundi | 13 November 2001 | |
| Cambodia | 11 November 2001 | |
| Canada | | 18 October 2002[a] |
| Chile | 10 December 1999 | |
| Colombia | 10 December 1999 | |
| Costa Rica | 10 December 1999 | 20 September 2001 |
| Croatia | 5 June 2000 | 7 March 2001 |
| Cuba | 17 March 2000 | |
| Cyprus | 8 February 2001 | 26 April 2002 |
| Czech Republic | 10 December 1999 | 26 February 2001 |
| Denmark | 10 December 1999 | 31 May 2000 |
| Dominican Republic | 14 March 2000 | 10 August 2001 |
| Ecuador | 10 December 1999 | 5 February 2002 |
| El Salvador | 4 April 2001 | |
| Finland | 10 December 1999 | 29 December 2000 |
| France | 10 December 1999 | 9 June 2000 |
| Georgia | | 1 August 2002[a] |
| Germany | 10 December 1999 | 15 January 2002 |
| Ghana | 24 February 2000 | |
| Greece | 10 December 1999 | 24 January 2002 |
| Guatemala | 7 September 2000 | 9 May 2002 |

| *States parties* | *Date signed* | *Ratification, accession*[a] |
|---|---|---|
| Guinea-Bissau | 12 September 2000 | |
| Hungary | | 22 December 2000[a] |
| Iceland | 10 December 1999 | 6 March 2001 |
| Indonesia | 28 February 2000 | |
| Ireland | 7 September 2000 | 7 September 2000 |
| Italy | 10 December 1999 | 22 September 2000 |
| Kazakhstan | 6 September 2000 | 24 August 2001 |
| Kyrgyzstan | | 22 July 2002[a] |
| Lesotho | 6 September 2000 | |
| Libyan Arab Jamahiriya | | 18 June 2004[a] |
| Liechtenstein | 10 December 1999 | 24 October 2001 |
| Lithuania | 8 September 2000 | |
| Luxembourg | 10 December 1999 | 1 July 2003 |
| Madagascar | 7 September 2000 | |
| Malawi | 7 September 2000 | |
| Mali | | 5 December 2000[a] |
| Mauritius | 11 November 2001 | |
| Mexico | 10 December 1999 | 15 March 2002 |
| Mongolia | 7 September 2000 | 28 March 2002 |
| Namibia | 19 May 2000 | 26 May 2000 |
| Nepal | 18 December 2001 | |
| Netherlands[c] | 10 December 1999 | 22 May 2002 |
| New Zealand[d] | 7 September 2000 | 7 September 2000 |
| Nigeria | 8 September 2000 | |
| Norway | 10 December 1999 | 5 March 2002 |
| Panama | 9 June 2000 | 9 May 2001 |
| Paraguay | 28 December 1999 | 14 May 2001 |
| Peru | 22 December 2000 | 9 April 2001 |
| Philippines | 21 March 2000 | 12 November 2003 |
| Poland | | 22 December 2003[a] |
| Portugal | 16 February 2000 | 26 April 2002 |
| Romania | 6 September 2000 | 25 August 2003 |
| Russian Federation | 8 May 2001 | 28 July 2004 |
| Sao Tome and Principe | 6 September 2000 | |
| Senegal | 10 December 1999 | 26 May 2000 |
| Serbia and Montenegro | | 31 July 2003[a] |
| Seychelles | 22 July 2002 | |
| Sierra Leone | 8 September 2000 | |
| Slovakia | 5 June 2000 | 17 November 2000 |
| Slovenia | 10 December 1999 | |

| *States parties* | *Date signed* | *Ratification, accession*[a] |
|---|---|---|
| Solomon Islands | | 6 May 2002[a] |
| Spain | 14 March 2000 | 6 July 2001 |
| Sri Lanka | | 15 October 2002[a] |
| Sweden | 10 December 1999 | 24 April 2003 |
| Tajikistan | 7 September 2000 | |
| Thailand | 14 June 2000 | 14 June 2000 |
| The former Yugoslav Republic of Macedonia | 3 April 2000 | 17 October 2003 |
| Timor-Leste | | 16 April 2003[a] |
| Turkey | 8 September 2000 | 29 October 2003 |
| Ukraine | 7 September 2000 | 26 September 2003 |
| Uruguay | 9 May 2000 | 26 July 2001 |
| Venezuela | 17 March 2000 | 13 May 2002 |

[a] Accession.

[b] Upon ratification made a declaration in accordance with Article 10 (1) of the Optional Protocol.

[c] For the Kingdom in Europe and the Netherlands Antilles and Aruba.

[d] With a declaration to the effect that "consistent with the constitutional status of Tokelau and taking into account its commitment to the development of self-government through an act of self-determination under the Charter of the United Nations, this ratification shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the depositary on the basis of appropriate consultation with that territory".

# Annex IV

## Documents before the Committee at its thirtieth and thirty-first sessions

| *Document number* | *Title or description* |
|---|---|
| **A. Thirtieth session** | |
| CEDAW/C/2004/I/1 | Annotated provisional agenda |
| CEDAW/C/2004/I/2 | Report of the Secretary -General on the status of submission of reports by States parties under article 18 of the Convention |
| CEDAW/C/2004/I/3 | Note by the Secretary -General on reports provided by specialized agencies on the implementation of the Convention in areas falling within the scope of their activities |
| CEDAW/C/2004/I/ 3/Add.1 | Report of the Food and Agriculture Organization of the United Nations |
| CEDAW/C/2004/I/3/Add.2 | Report of the World Health Organization |
| CEDAW/C/2004/I/3/Add.3 | Report of the United Nations Educational, Scientific and Cultural Organization |
| CEDAW/C/2004/I/3/Add.4 | Report of the International Labour Organization |
| CEDAW/C/2004/I/4 and Add.1 and Add.2 | Report of the Secretariat on ways and means of expediting the work of the Committee |
| **Reports of States parties** | |
| CEDAW/C/NPL/2-3 | Combined second and third periodic report of Nepal |
| CEDAW/C/KGZ/2 and Add.1 | Second periodic report of Kyrgyzstan |
| CEDAW/C/KWT/1-2 | Combined initial and second periodic report of Kuwait |
| CEDAW/C/BTN/1-3 and CEDAW/C/BTN/1-6/Corr.1 | Combined initial, second, third, fourth, fifth and sixth periodic report of Bhutan |
| CEDAW/C/NGA/4-5 | Combined fourth and fifth periodic report of Nigeria |
| CEDAW/C/DEU/5 | Fifth periodic report of Germany |
| CEDAW/C/BLR/4-6 | Combined fourth, fifth and sixth periodic report of Belarus |
| CEDAW/C/ETH/4-5 | Combined fourth and fifth periodic report of Ethiopia |

| *Document number* | *Title or description* |
|---|---|
| **B. Thirty-first session** | |
| CEDAW/C/2004/II/1 | Annotated provisional agenda |
| CEDAW/C/2004/II/2 | Report of the Secretary-General on the status of submission of reports by States parties under article 18 of the Convention |
| CEDAW/C/2004/II/3 | Note by the Secretary-General on reports provided by specialized agencies on the implementation of the Convention in areas falling within the scope of their activities |
| CEDAW/C/2004/II/3/Add.1 | Report of the Food and Agriculture Organization of the United Nations |
| CEDAW/C/2004/II/3/Add.2 | Report of the World Health Organization |
| CEDAW/C/2004/II/3/Add.3 | Report of the United Nations Educational, Scientific and Cultural Organization |
| CEDAW/C/2004/II/3/Add.4 | Report of the International Labour Organization |
| CEDAW/C/2004/II/4<br>CEDAW/C/2004/4/Add.1 | Report of the Secretariat on ways and means of expediting the work of the Committee |
| **Reports of States parties** | |
| CEDAW/C/AGO/1-3<br>CEDAW/C/AGO/4-5 | Combined initial, second and third periodic report and combined fourth and fifth periodic report of Angola |
| CEDAW/C/LVA/1-3 | Combined initial, second and third periodic report of Latvia |
| CEDAW/C/MLT/1-3 | Combined initial, second and third periodic report of Malta |
| CEDAW/C/GNQ/2-3 and<br>CEDAW/C/GNQ/4-5 | Combined second and third periodic report and combined fourth and fifth periodic report of Equatorial Guinea |
| CEDAW/C/BGD/5 | Fifth periodic report of Bangladesh |
| CEDAW/C/DOM/5 | Fifth periodic report of Dominican Republic |
| CEDAW/C/ESP/5 | Fifth periodic report of Spain |
| CEDAW/C/ARG/5/Add.1 | Follow-up report to the fifth periodic report of Argentina |

# Annex V

## Membership of the Committee on the Elimination of Discrimination against Women

| *Name of member* | *Country of nationality* |
|---|---|
| Ayse Feride Acar* | Turkey |
| Sjamsiah Achmad* | Indonesia |
| Meriem Belmihoub-Zerdani** | Algeria |
| Huguette Bokpe-Gnacadja** | Benin |
| Dorcas Coker-Appiah** | Ghana |
| Cornelis Flinterman** | The Netherlands |
| Náela Gabr** | Egypt |
| Françoise Gaspard* | France |
| Yolanda Ferrer Gómez* | Cuba |
| Aída González Martínez* | Mexico |
| Salma Khan** | Bangladesh |
| Fatima Kwaku* | Nigeria |
| Rosario Manalo** | Philippines |
| Göran Melander* | Sweden |
| Krisztina Morvai** | Hungary |
| Pramila Patten** | Mauritius |
| Victoria Popescu** | Romania |
| Fumiko Saiga** | Japan |
| Hanna Beate Schöpp-Schilling* | Germany |
| Heisoo Shin* | Republic of Korea |
| Dubravka Šimonovic** | Croatia |
| Maria Regina Tavares da Silva* | Portugal |

* Term of office expires in 2004.

** Term of office expires in 2006.

# Annex VI

## Status of submission and consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, as at 1 August 2004

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| **Afghanistan** | 4 April 2004 | | |
| **Albania** | | | |
| Initial report | 10 June 1995 | 20 May 2002 (CEDAW/C/ALB/1-2) | Twenty-eighth (2003) |
| Second periodic report | 10 June 1999 | 20 May 2002 (CEDAW/C/ALB/1-2) | Twenty-eighth (2003) |
| Third periodic report | 10 June 2003 | | |
| **Algeria** | | | |
| Initial report | 21 June 1997 | 1 September 1998 (CEDAW/C/DZA/1)<br>1 December 1998 (CEDAW/C/DZA/Add.1) | Twentieth (1999) |
| Second periodic report | 21 June 2001 | 29 January 2003 (CEDAW/C/DZA/2) | |
| **Andorra** | | | |
| Initial report | 14 February 1998 | 23 June 2000 (CEDAW/C/AND/1) | Twenty-fifth (2001) |
| Second periodic report | 14 February 2002 | | |
| **Angola** | | | |
| Initial report | 17 October 1987 | 2 May 2002 (CEDAW/C/AGO/1-3) | Thirty-first (2004) |
| Second periodic report | 17 October 1991 | 2 May 2002 (CEDAW/C/AGO/1-3) | Thirty-first (2004) |
| Third periodic report | 17 October 1995 | 2 May 2002 (CEDAW/C/AGO/1-3) | Thirty-first (2004) |
| Fourth periodic report | 17 October 1999 | 20 May 2004 (CEDAW/C/AGO/4-5) | Thirty-first (2004) |
| Fifth periodic report | 17 October 2003 | 20 May 2004 (CEDAW/C/AGO/4-5) | Thirty-first (2004) |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| **Antigua and Barbuda** | | | |
| Initial report | 31 August 1990 | 21 September 1994<br>(CEDAW/C/ANT/1-3) | Seventeenth (1997) |
| Second periodic report | 31 August 1994 | 21 September 1994<br>(CEDAW/C/ANT/1-3) | Seventeenth (1997) |
| Third periodic report | 31 August 1998 | 21 September 1994<br>(CEDAW/C/ANT/1-3) | Seventeenth (1997) |
| Fourth periodic report | 31 August 2002 | | |
| **Argentina** | | | |
| Initial report | 14 August 1986 | 6 October 1986<br>(CEDAW/C/5/Add.39) | Seventh (1988) |
| Second periodic report | 14 August 1990 | 13 February 1992<br>(CEDAW/C/ARG/2)<br>27 May 1994<br>(CEDAW/C/ARG/2/Add.1<br>19 August 1994<br>(CEDAW/C/ARG/2/Add.2 | Seventeenth (1997) |
| Third periodic report | 14 August 1994 | 1 October 1996<br>(CEDAW/C/ARG/3) | Seventeenth (1997) |
| Fourth periodic report | 14 August 1998 | 18 January 2000<br>(CEDAW/C/ARG/4) | EXC (2002) |
| Fifth periodic report | 14 August 2002 | 15 January 2002<br>(CEDAW/C/ARG/5) | EXC (2002) |
| Follow-up report | 5 January 2004 | 29 January 2004<br>(CEDAW/C/ARG/follow-up to CEDAW/C/ARG/5) | Thirty-first (2004) |
| **Armenia** | | | |
| Initial report | 13 October 1994 | 30 November 1994<br>(CEDAW/C/ARM/1)<br>10 February 1997<br>(CEDAW/C/ARM/1/Corr.1) | Seventeenth (1997) |
| Second periodic report | 13 October 1998 | 23 August 1999<br>CEDAW/C/ARM/2 | EXC (2002) |
| Third periodic report | 13 October 2002 | | |

| States parties | Date due[a] | Date of submission | Considered by Committee (session (year)) |
|---|---|---|---|
| **Australia** | | | |
| Initial report | 27 August 1984 | 3 October 1986<br>(CEDAW/C/5/Add.40) | Seventh (1988) |
| Second periodic report | 27 August 1988 | 24 July 1992<br>(CEDAW/C/AUL/2) | Thirteenth (1994) |
| Third periodic report | 27 August 1992 | 1 March 1995<br>(CEDAW/C/AUL/3) | Seventeenth (1997) |
| Fourth periodic report | 27 August 1996 | 29 January 2004<br>(CEDAW/C/AUL/4-5) | |
| Fifth periodic report | 27 August 2000 | 29 January 2004<br>(CEDAW/C/AUL/4-5) | |
| **Austria** | | | |
| Initial report | 30 April 1983 | 20 October 1983<br>(CEDAW/C/5/Add.17) | Fourth (1985) |
| Second periodic report | 30 April 1987 | 18 December 1989<br>(CEDAW/C/13/Add.27) | Tenth (1991) |
| Third periodic report | 30 April 1991 | 25 April 1997<br>(CEDAW/C/AUT/3-4) | Twenty-third (2000) |
| Fourth periodic report | 30 April 1995 | 25 April 1997<br>(CEDAW/C/AUT/3-4) | Twenty-third (2000) |
| Fifth periodic report | 30 April 1999 | 20 September 1999<br>(CEDAW/C/AUT/5) | Twenty-third (2000) |
| Sixth periodic report | 30 April 2003 | | |
| **Azerbaijan** | | | |
| Initial report | 9 August 1996 | 11 September 1996<br>(CEDAW/C/AZE/1) | Eighteenth (1998) |
| Second periodic report | 9 August 2000 | | |
| Third periodic report | 9 August 2004 | | |
| **Bahamas** | | | |
| Initial report | 5 November 1994 | | |
| Second periodic report | 5 November 1998 | | |
| Third periodic report | 5 November 2002 | | |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| **Bahrain** | | | |
| Initial report | 18 July 2003 | | |
| **Bangladesh** | | | |
| Initial report | 6 December 1985 | 12 March 1986<br>(CEDAW/C/5/Add.34) | Sixth (1987) |
| Second periodic report | 6 December 1989 | 23 February 1990<br>(CEDAW/C/13/Add.30) | Twelfth (1993) |
| Third periodic report | 6 December 1993 | 27 March 1997<br>(CEDAW/C/BGD/3-4) | Seventeenth (1997) |
| Fourth periodic report | 6 December 1997 | 27 March 1997<br>(CEDAW/C/BGD/3-4) | Seventeenth (1997) |
| Fifth periodic report | 6 December 2001 | 27 December 2002<br>(CEDAW/C/BGD/5) | Thirty-first (2004) |
| **Barbados** | | | |
| Initial report | 3 September 1982 | 11 April 1990<br>(CEDAW/C/5/Add.64) | Eleventh (1992) |
| Second periodic report | 3 September 1986 | 4 December 1991<br>(CEDAW/C/BAR/2-3) | Thirteenth (1994) |
| Third periodic report | 3 September 1990 | 4 December 1991<br>(CEDAW/C/BAR/2-3) | Thirteenth (1994) |
| Fourth periodic report | 3 September 1995 | 24 November 2000<br>(CEDAW/C/BAR/4) | EXC (2002) |
| Fifth periodic report | 3 September 1999 | | |
| Sixth periodic report | 3 September 2003 | | |
| **Belarus** | | | |
| Initial report | 3 September 1982 | 4 October 1982<br>(CEDAW/C/5/Add.5) | Second (1983) |
| Second periodic report | 3 September 1986 | 3 March 1987<br>(CEDAW/C/13/Add.5) | Eighth (1989) |
| Third periodic report | 3 September 1990 | 1 July 1993<br>(CEDAW/C/BLR/3) | Twenty-second (2000) |
| Fourth periodic report | 3 September 1994 | 19 December 2002<br>(CEDAW/C/BLR/4-6) | Thirtieth (2004) |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| Fifth periodic report | 3 September 1998 | 19 December 2002<br>(CEDAW/C/BLR/4-6) | Thirtieth (2004) |
| Sixth periodic report | 3 September 2002 | 19 December 2002<br>(CEDAW/C/BLR/4-6) | Thirtieth (2004) |
| **Belgium** | | | |
| Initial report | 9 August 1986 | 20 July 1987<br>(CEDAW/C/5/Add.53) | Eighth (1989) |
| Second periodic report | 9 August 1990 | 9 February 1993<br>(CEDAW/C/BEL/2) | Fifteenth (1996) |
| Third periodic report | 9 August 1994 | 29 September 1998<br>(CEDAW/C/BEL/3-4) | Twenty-seventh (2002) |
| Fourth periodic report | 9 August 1998 | 29 September 1998<br>(CEDAW/C/BEL/3-4) | Twenty-seventh (2002) |
| Fifth periodic report | 9 August 2002 | | |
| **Belize** | | | |
| Initial periodic report | 15 June 1991 | 19 June 1996<br>(CEDAW/C/BLZ/1-2) | Twenty-first (1999) |
| Second periodic report | 15 June 1995 | 19 June 1996<br>(CEDAW/C/BLZ/1-2) | Twenty-first (1999) |
| Third periodic report | 15 June 1999 | | |
| Fourth periodic report | 15 June 2003 | | |
| **Benin** | | | |
| Initial periodic report | 11 April 1993 | 27 June 2002<br>(CEDAW/C/BEN/1-3) | |
| Second periodic report | 11 April 1997 | 27 June 2002<br>(CEDAW/C/BEN/1-3) | |
| Third periodic report | 11 April 2001 | 27 June 2002<br>(CEDAW/C/BEN/1-3) | |
| **Bhutan** | | | |
| Initial report | 30 September 1982 | 2 January 2003<br>(CEDAW/C/BTN/1-6)<br>(CEDAW/C/BTN/1-6/Corr.1) | Thirtieth (2004) |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| Second periodic report | 30 September 1986 | 2 January 2003<br>(CEDAW/C/BTN/1-6)<br>(CEDAW/C/BTN/1-6/Corr.1) | Thirtieth (2004) |
| Third periodic report | 30 September 1990 | 2 January 2003<br>(CEDAW/C/BTN/1-6)<br>(CEDAW/C/BTN/1-6/Corr.1) | Thirtieth (2004) |
| Fourth periodic report | 30 September 1994 | 2 January 2003<br>(CEDAW/C/BTN/1-6)<br>(CEDAW/C/BTN/1-6/Corr.1) | Thirtieth (2004) |
| Fifth periodic report | 30 September 1998 | 2 January 2003<br>(CEDAW/C/BTN/1-6)<br>(CEDAW/C/BTN/1-6/Corr.1) | Thirtieth (2004) |
| Sixth periodic report | 30 September 2002 | 2 January 2003<br>(CEDAW/C/BTN/1-6)<br>(CEDAW/C/BTN/1-6/Corr.1) | Thirtieth (2004) |
| **Bolivia** | | | |
| Initial report | 8 July 1991 | 8 July 1991<br>(CEDAW/C/BOL/1)<br>26 August 1993<br>(CEDAW/C/BOL/1/Add.1) | Fourteenth (1995) |
| Second periodic report | 8 July 1995 | | |
| Third periodic report | 8 July 1999 | | |
| Fourth periodic report | 8 July 2003 | | |
| **Bosnia and Herzegovina** | | | |
| Initial report | 1 October 1994 | | |
| Second periodic report | 1 October 1998 | | |
| Third periodic report | 1 October 2002 | | |
| **Botswana** | | | |
| Initial report | 12 September 1997 | | |
| Second periodic report | 12 September 2001 | | |
| **Brazil** | | | |
| Initial report | 2 March 1985 | 7 November 2002<br>(CEDAW/C/BRA/1-5) | Twenty-ninth (2003) |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| Second periodic report | 2 March 1989 | 7 November 2002<br>(CEDAW/C/BRA/1-5) | Twenty-ninth (2003) |
| Third periodic report | 2 March 1993 | 7 November 2002<br>(CEDAW/C/BRA/1-5) | Twenty-ninth (2003) |
| Fourth periodic report | 2 March 1997 | 7 November 2002<br>(CEDAW/C/BRA/1-5) | Twenty-ninth (2003) |
| Fifth periodic report | 2 March 2001 | 7 November 2002<br>(CEDAW/C/BRA/1-5) | Twenty-ninth (2003) |
| **Bulgaria** | | | |
| Initial report | 10 March 1983 | 13 June 1983<br>(CEDAW/C/5/Add.15) | Fourth (1985) |
| Second periodic report | 10 March 1987 | 6 September 1994<br>(CEDAW/C/BGR/2-3) | Eighteenth (1998) |
| Third periodic report | 10 March 1991 | 6 September 1994<br>(CEDAW/C/BGR/2-3) | Eighteenth (1998) |
| Fourth periodic report | 10 March 1995 | | |
| Fifth periodic report | 10 March 1999 | | |
| Sixth periodic report | 10 March 2003 | | |
| **Burkina Faso** | | | |
| Initial report | 13 November 1988 | 24 May 1990<br>(CEDAW/C/5/Add.67) | Tenth (1991) |
| Second periodic report | 13 November 1992 | 11 December 1997<br>(CEDAW/C/BFA/2-3) | Twenty-second (2000) |
| Third periodic report | 13 November 1996 | 11 December 1997<br>(CEDAW/C/BFA/2-3) | Twenty-second (2000) |
| Fourth periodic report | 13 November 2000 | 4 August 2003<br>(CEDAW/C/BFA/4-5) | |
| Fifth periodic report | 13 November 2000 | 4 August 2003<br>(CEDAW/C/BFA/4-5) | |
| **Burundi** | | | |
| Initial report | 7 February 1993 | 1 June 2000<br>(CEDAW/C/BDI/1) | Twenty-fourth (2001) |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| Second periodic report | 7 February 1997 | | |
| Third periodic report | 7 February 2001 | | |
| **Cambodia** | | | |
| Initial report | 14 November 1993 | 11 February 2004<br>(CEDAW/C/KHM/1-3) | |
| Second periodic report | 14 November 1997 | 11 February 2004<br>(CEDAW/C/KHM/1-3) | |
| Third periodic report | 14 November 2001 | 11 February 2004<br>(CEDAW/C/KHM/1-3) | |
| **Cameroon** | | | |
| Initial report | 22 September 1995 | 9 May 1999<br>(CEDAW/C/CMR/1) | Twenty-third (2000) |
| Second periodic report | 22 September 1999 | | |
| Third periodic report | 22 September 2003 | | |
| **Canada** | | | |
| Initial report | 9 January 1983 | 15 July 1983<br>(CEDAW/C/5/Add.16) | Second (1985) |
| Second periodic report | 9 January 1987 | 20 January 1988<br>(CEDAW/C/13/Add.11) | Ninth (1990) |
| Third periodic report | 9 January 1991 | 9 September 1992<br>(CEDAW/C/CAN/3) | Sixteenth (1997) |
| Fourth periodic report | 9 January 1995 | 2 October 1995<br>(CEDAW/C/CAN/4) | Sixteenth (1997) |
| Fifth periodic report | 9 January 1999 | 2 April 2002<br>(CEDAW/C/CAN/5) | Twenty-eighth (2003) |
| | | 17 December 2002<br>(CEDAW/C/CAN/5/Add.1) | |
| Sixth periodic report | 9 January 2003 | | |
| **Cape Verde** | | | |
| Initial report | 3 September 1982 | | |
| Second periodic report | 3 September 1986 | | |
| Third periodic report | 3 September 1990 | | |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| Fourth periodic report | 3 September 1994 | | |
| Fifth periodic report | 3 September 1998 | | |
| Sixth periodic report | 3 September 2002 | | |
| **Central African Republic** | | | |
| Initial report | 21 July 1992 | | |
| Second periodic report | 21 July 1996 | | |
| Third periodic report | 21 July 2000 | | |
| Fourth periodic report | 21 July 2004 | | |
| **Chad** | | | |
| Initial report | 9 July 1996 | | |
| Second periodic report | 9 July 2000 | | |
| Third periodic report | 9 July 2004 | | |
| **Chile** | | | |
| Initial report | 6 January 1991 | 3 September 1991 (CEDAW/C/CHI/1) | Fourteenth (1995) |
| Second periodic report | 6 January 1995 | 9 March 1995 (CEDAW/C/CHI/2) | Twenty-first (1999) |
| Third periodic report | 6 January 1999 | 1 November 1999 (CEDAW/C/CHI/3) | Twenty-first (1999) |
| Fourth periodic report | 6 January 2003 | | |
| **China** | | | |
| Initial report | 3 September 1982 | 25 May 1983 (CEDAW/C/5/Add.14) | Third (1984) |
| Second periodic report | 3 September 1986 | 22 June 1989 (CEDAW/C/13/Add.26) | Eleventh (1992) |
| Third periodic report | 3 September 1990 | 29 May 1997 (CEDAW/C/CHN/3-4) | Twentieth (1999) |
| | | 31 August 1998 (CEDAW/C/CHN/3-4/Add.1 & Add.2) | |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| Fourth periodic report | 3 September 1994 | 29 May 1997<br>(CEDAW/C/CHN/3-4)<br>31 August 1998<br>(CEDAW/C/CHN/3-4/Add.1 & Add.2) | Twentieth (1999) |
| Fifth periodic report | 3 September 1998 | 4 February 2004<br>(CEDAW/C/CHN/5-6 and Add.1 & Add 2) | |
| Sixth periodic report | 3 September 2002 | 4 February 2004<br>(CEDAW/C/CHN/5-6 and Add.1 & Add.2) | |
| **Colombia** | | | |
| Initial report | 18 February 1983 | 16 January 1986<br>(CEDAW/C/5/Add.32) | Sixth (1987) |
| Second periodic report | 18 February 1987 | 14 January 1993<br>(CEDAW/C/COL/2-3)<br>2 September 1993<br>(CEDAW/C/COL/2-3 Rev.1) | Thirteenth (1994) |
| Third periodic report | 18 February 1991 | 14 January 1993<br>(CEDAW/C/COL/2-3)<br>2 September 1993<br>(CEDAW/C/COL/2-3 Rev.1) | Thirteenth (1994) |
| Fourth periodic report | 18 February 1995 | 8 July 1997<br>(CEDAW/C/COL/4)<br>13 October 1998<br>(CEDAW/C/COL/4/Add.1) | Twentieth 1999) |
| Fifth periodic report | 18 February 1999 | | |
| Sixth periodic report | 18 February 2003 | | |
| **Comoros** | | | |
| Initial report | 30 November 1995 | | |
| Second periodic report | 30 November 1999 | | |
| Third periodic report | 30 November 2003 | | |
| **Congo** | | | |
| Initial report | 25 August 1983 | 8 April 2002<br>(CEDAW/C/COG/1-5) | Twenty-eighth (2003) |
| Second periodic report | 25 August 1987 | 8 April 2002<br>(CEDAW/C/COG/1-5) | Twenty-eighth (2003) |
| Third periodic report | 25 August 1991 | 8 April 2002<br>(CEDAW/C/COG/1-5) | Twenty-eighth (2003) |
| Fourth periodic report | 25 August 1995 | 8 April 2002<br>(CEDAW/C/COG/1-5) | Twenty-eighth (2003) |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| Fifth periodic report | 25 August 1999 | 8 April 2002<br>(CEDAW/C/COG/1-5) | Twenty-eighth (2003) |
| Sixth periodic report | 25 August 2003 | | |
| **Costa Rica** | | | |
| Initial report | 4 May 1987 | 10 July 2001<br>(CEDAW/C/CRI/1-3) | Twenty-ninth (2003) |
| Second periodic report | 4 May 1991 | 10 July 2001<br>(CEDAW/C/CRI/1-3) | Twenty-ninth (2003) |
| Third periodic report | 4 May 1995 | 10 July 2001<br>(CEDAW/C/CRI/1-3) | Twenty-ninth (2003) |
| Fourth periodic report | 4 May 1999 | 21 November 2002<br>(CEDAW/C/CRI/4) | Twenty-ninth (2003) |
| Fifth periodic report | 4 May 2003 | | |
| **Côte d'Ivoire** | | | |
| Initial report | 17 January 1997 | | |
| Second periodic report | 17 January 2001 | | |
| **Croatia** | | | |
| Initial report | 9 October 1993 | 10 January 1995<br>(CEDAW/C/CRO/1) | Eighteenth (1998) |
| Second periodic report | 9 October 1997 | 17 October 2003<br>(CEDAW/C/CRO/2-3) | |
| Third periodic report | 9 October 2001 | 17 October 2003<br>(CEDAW/C/CRO/2-3) | |
| **Cuba** | | | |
| Initial report | 3 September 1982 | 27 September 1982<br>(CEDAW/C/5/Add.4) | Second (1983) |
| Second periodic report | 3 September 1986 | 13 March 1992<br>(CEDAW/C/CUB/2-3)<br>30 November 1995<br>(CEDAW/C/CUB/2-3/Add.1) | Fifteenth (1996) |
| Third periodic report | 3 September 1990 | 13 March 1992<br>(CEDAW/C/CUB/2-3)<br>30 November 1995<br>(CEDAW/C/CUB/2-3/Add.1) | Fifteenth (1996) |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| Fourth periodic report | 3 September 1994 | 27 September 1999<br>(CEDAW/C/CUB/4) | Twenty-three (2000) |
| Fifth periodic report | 3 September 1998 | | |
| Sixth periodic report | 3 September 2002 | | |
| **Cyprus** | | | |
| Initial report | 22 August 1986 | 2 February 1994<br>(CEDAW/C/CYP/1-2) | Fifteenth (1996) |
| Second periodic report | 22 August 1990 | 2 February 1994<br>(CEDAW/C/CYP/1-2) | Fifteenth (1996) |
| Third periodic report | 22 August 1994 | 4 March 2004<br>(CEDAW/C/CYP/3-5) | |
| Fourth periodic report | 22 August 1998 | 4 March 2004<br>(CEDAW/C/CYP/3-5) | |
| Fifth periodic report | 22 August 2002 | 4 March 2004<br>(CEDAW/C/CYP/3-5) | |
| **Czech Republic** | | | |
| Initial report | 24 March 1994 | 30 October 1995<br>(CEDAW/C/CZE/1) | Eighteenth (1998) |
| Second periodic report | 24 March 1997 | 10 March 2000<br>(CEDAW/C/CZE/2) | Exceptional (2002) |
| Third periodic report | 24 March 2001 | | |
| **Democratic People's Republic of Korea** | | | |
| Initial report | 27 March 2002 | 11 September 2002<br>(CEDAW/C/PRK/1) | |
| **Democratic Republic of the Congo**[b] | | | |
| Initial report | 16 November 1987 | 1 March 1994<br>(CEDAW/C/ZAR/1) | Twenty-second (2000) |
| Second periodic report | 16 November 1991 | 24 October 1996<br>(CEDAW/C/ZAR/2)<br>27 August 1998<br>(CEDAW/C/ZAR/2/Add.1) | Twenty-second (2000) |
| Third periodic report | 16 November 1995 | 18 June 1999<br>(CEDAW/C/COD/3) | Twenty-second (2000) |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| Fourth periodic report | 16 November 1999 | | |
| Fifth periodic report | 16 November 2003 | | |
| **Denmark** | | | |
| Initial report | 21 May 1984 | 30 July 1984 (CEDAW/C/5/Add.22) | Fifth (1986) |
| Second periodic report | 21 May 1988 | 2 June 1988 (CEDAW/C/13/Add.14) | Tenth (1991) |
| Third periodic report | 21 May 1992 | 7 May 1993 (CEDAW/C/DEN/3) | Sixteenth (1997) |
| Fourth periodic report | 21 May 1996 | 9 January 1997 (CEDAW/C/DEN/4) | Twenty-seventh (2002)_ |
| Fifth periodic report | 21 May 2000 | 13 June 2000 (CEDAW/C/DEN/5)<br>10 October 2001 (CEDAW/C/DEN/5/Add.1) | Twenty-seventh (2002)Twenty-seventh (2002) |
| Sixth periodic report | 21 May 2004 | 28 July 2004 (CEDAW/C/DEN/6) | |
| **Djibouti** | | | |
| Initial report | 2 January 2000 | | |
| Second periodic report | 2 January 2004 | | |
| **Dominica** | | | |
| Initial report | 3 September 1982 | | |
| Second periodic report | 3 September 1986 | | |
| Third periodic report | 3 September 1990 | | |
| Fourth periodic report | 3 September 1994 | | |
| Fifth periodic report | 3 September 1998 | | |
| Sixth periodic report | 3 September 2002 | | |
| **Dominican Republic** | | | |
| Initial report | 2 October 1983 | 2 May 1986 (CEDAW/C/5/Add.37) | Seventh (1988) |
| Second periodic report | 2 October 1987 | 26 April 1993 (CEDAW/C/DOM/2-3) | Eighteenth (1998) |

| States parties | Date due[a] | Date of submission | Considered by Committee (session (year)) |
|---|---|---|---|
| Third periodic report | 2 October 1991 | 26 April 1993 (CEDAW/C/DOM/2-3) | Eighteenth (1998) |
| Fourth periodic report | 2 October 1995 | 29 October 1997 (CEDAW/C/DOM/4) | Eighteenth (1998) |
| Fifth periodic report | 2 October 1999 | 11 April 2003 (CEDAW/C/DOM/5) | Thirty-first (2004) |
| Sixth periodic report | 2 September 2003 | | |
| **Ecuador** | | | |
| Initial report | 9 December 1982 | 14 August 1984 (CEDAW/C/5/Add.23) | Fifth (1986) |
| Second periodic report | 9 December 1986 | 28 May 1990 (CEDAW/C/13/Add.31) | Thirteenth (1994) |
| Third periodic report | 9 December 1990 | 23 December 1991 (CEDAW/C/ECU/3) | Thirteenth (1994) |
| Fourth periodic report | 9 December 1994 | 8 January 2002 (CEDAW/ECU/4-5) | Twenty-ninth (2003) |
| Fifth periodic report | 9 December 1998 | 8 January 2002 (CEDAW/ECU/4-5) | Twenty-ninth (2003) |
| Sixth periodic report | 9 December 2002 | | |
| **Egypt** | | | |
| Initial report | 18 October 1982 | 2 February 1983 (CEDAW/C/5/Add.10) | Third (1984) |
| Second periodic report | 18 October 1986 | 19 December 1986 (CEDAW/C/13/Add.2) | Ninth (1990) |
| Third periodic report | 18 October 1990 | 30 January 1996 (CEDAW/C/EGY/3) | Twenty-fourth (2001) |
| Fourth periodic report | 18 October 1994 | 30 March 2000 (CEDAW/C/EGY/4-5) | Twenty-fourth (2001) |
| Fifth periodic report | 18 October 1998 | 30 March 2000 (CEDAW/C/EGY/4-5) | Twenty-fourth (2001) |
| Sixth periodic report | 18 October 2002 | | |
| **El Salvador** | | | |
| Initial report | 18 September 1982 | 3 November 1983 (CEDAW/C/5/Add.19) | Fifth (1986) |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| Second periodic report | 18 September 1986 | 18 December 1987<br>(CEDAW/C/13/Add.12) | Eleventh (1992) |
| Third periodic report | 18 September 1990 | 26 July 2001<br>(CEDAW/C/SLV/3-4) | Twenty-eighth (2003) |
| Fourth periodic report | 18 September 1994 | 26 July 2001<br>(CEDAW/C/SLV/3-4) | Twenty-eighth (2003) |
| Fifth periodic report | 18 September 1998 | 26 July 2001<br>(CEDAW/C/SLV/5) | Twenty-eighth (2003) |
| Sixth periodic report | 18 September 2002 | 2 November 2002<br>(CEDAW/C/SLV/6) | Twenty-eighth (2003) |
| **Equatorial Guinea** | | | |
| Initial report | 22 November 1985 | 16 March 1987<br>(CEDAW/C/5/Add.50) | Eighth (1989) |
| Second periodic report | 22 November 1989 | 6 January 1994<br>(CEDAW/C/GNQ/2-3) | Thirty-first (2004) |
| Third periodic report | 22 November 1993 | 6 January 1994<br>(CEDAW/C/GNQ/2-3) | Thirty-first (2004) |
| Fourth periodic report | 22 November 1997 | 22 January 2004<br>(CEDAW/C/GNQ/4-5) | Thirty-first (2004) |
| Fifth periodic report | 22 November 2001 | 22 January 2004<br>(CEDAW/C/GNQ/4-5) | Thirty-first (2004) |
| **Eritrea** | | | |
| Initial periodic report | 5 October 1996 | 8 January 2004<br>(CEDAW/C/ERI/1-2) | |
| Second periodic report | 5 October 2000 | 8 January 2004<br>(CEDAW/C/ERI/1-2) | |
| **Estonia** | | | |
| Initial periodic report | 20 November 1992 | 14 June 2001<br>(CEDAW/C/EST/1-3) | Twenty-sixth (2002) |
| Second periodic report | 20 November 1996 | 14 June 2001<br>(CEDAW/C/EST/1-3) | Twenty-sixth (2002) |
| Third periodic report | 20 November 2000 | 14 June 2001<br>(CEDAW/C/EST/1-3) | Twenty-sixth (2002) |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| **Ethiopia** | | | |
| Initial periodic report | 10 October 1982 | 22 April 1993<br>(CEDAW/C/ETH/1-3) | Fifteenth (1996) |
| | | 16 October 1995<br>(CEDAW/C/ETH/1-3/Add.1) | |
| Second periodic report | 10 October 1986 | 22 April 1993<br>(CEDAW/C/ETH/1-3) | Fifteenth (1996) |
| | | 16 October 1995<br>(CEDAW/C/ETH/1-3/Add.1) | |
| Third periodic report | 10 October 1990 | 22 April 1993<br>(CEDAW/C/ETH/1-3) | Fifteenth (1996) |
| | | 16 October 1995<br>(CEDAW/C/ETH/1-3/Add.1) | |
| Fourth periodic report | 10 October 1994 | 25 September 2002<br>(CEDAW/C/ETH/4-5) | Thirtieth (2004) |
| Fifth periodic report | 10 October 1998 | 25 September 2002<br>(CEDAW/C/ETH/4-5) | Thirtieth (2004) |
| Sixth periodic report | 10 October 2002 | | |
| **Fiji** | | | |
| Initial report | 27 September 1996 | 29 February 2000<br>(CEDAW/C/FJI/1) | Twenty-sixth (2002) |
| Second periodic report | 27 September 2000 | | |
| **Finland** | | | |
| Initial report | 4 October 1987 | 16 February 1988<br>(CEDAW/C/5/Add.56) | Eighth (1989) |
| Second periodic report | 4 October 1991 | 9 February 1993<br>(CEDAW/C/FIN/2) | Fourteenth (1995) |
| Third periodic report | 4 October 1995 | 28 January 1997<br>(CEDAW/C/FIN/3) | Twenty-fourth (2001) |
| Fourth periodic report | 4 October 1999 | 23 November 1999<br>CEDAW/C/FIN/4 | Twenty-fourth (2001) |
| Fifth periodic report | 4 October 2003 | 23 February 2004<br>(CEDAW/C/FIN/5) | |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| **France** | | | |
| Initial report | 13 January 1985 | 13 February 1986<br>(CEDAW/5/Add.33) | Sixth (1987) |
| Second periodic report | 13 January 1989 | 10 December 1990<br>(CEDAW/C/FRA/2)<br>(CEDAW/C/FRA/2/Rev.1) | Twelfth (1993) |
| Third periodic report | 13 January 1993 | 5 October 1999<br>(CEDAW/C/FRA/3-4)<br>(CEDAW/C/FRA/3-4/Corri.1) | Twenty-ninth (2003) |
| Fourth periodic report | 13 January 1997 | 5 October 1999<br>(CEDAW/C/FRA/3-4)<br>(CEDAW/C/FRA/3-4/Corr.1) | Twenty-nine (2003) |
| Fifth periodic report | 13 January 2001 | 27 August 2002<br>(CEDAW/C/FRA/5) | Twenty-ninth (2003) |
| **Gabon** | | | |
| Initial report | 20 February 1984 | 19 June 1987<br>(CEDAW/C/5/Add.54) | Eighth (1989) |
| Second periodic report | 20 February 1988 | 4 June 2003<br>(CEDAW/C/GAB/2-5) | |
| Third periodic report | 20 February 1992 | 4 June 2003<br>(CEDAW/C/GAB/2-5) | |
| Fourth and fifth periodic report | 20 February 1996 | 4 June 2003<br>(CEDAW/C/GAB/2-5) | |
| Fifth periodic report | 20 February 2000 | 4 June 2003<br>(CEDAW/C/GAB/2-5) | |
| Sixth periodic report | 20 February 2004 | | |
| **Gambia** | | | |
| Initial report | 16 May 1994 | 4 April 2003<br>(CEDAW/C/GMB/1-3) | |
| Second periodic report | 16 May 1998 | 4 April 2003<br>(CEDAW/C/GMB/1-3) | |
| Third periodic report | 16 May 2002 | 4 April 2003<br>(CEDAW/C/GMB/1-3) | |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| **Georgia** | | | |
| Initial report | 25 November 1995 | 9 March 1998 (CEDAW/C/GEO/1) | Twenty-first (1999) |
| | | 6 April 1999 (CEDAW/C/GEO/1/Add.1) | |
| | | 1 May 1999 (CEDAW/C/GEO/1/Add.1/Corr.1) | |
| Second periodic report | 25 November 1999 | 16 April 2004 (CEDAW/C/GEO/2-3) | |
| Third periodic report | 25 November 2003 | 16 April 2004 (CEDAW/C/GEO/2-3) | |
| **Germany** | | | |
| Initial report | 9 August 1986 | 15 September 1988 (CEDAW/C/5/Add.59) | Ninth (1990) |
| Second periodic report | 9 August 1990 | 8 October 1996 (CEDAW/C/DEU/2-3) | Twenty-second (2000) |
| Third periodic report | 9 August 1994 | 8 October 1996 (CEDAW/C/DEU/2-3) | Twenty-second (2000) |
| Fourth periodic report | 9 August 1998 | 27 October 1998 (CEDAW/C/DEU/4) | Twenty-second (2000) |
| Fifth periodic report | 9 August 2002 | 28 January 2003 (CEDAW/DEU/5) | Thirtieth (2004) |
| **Ghana** | | | |
| Initial periodic report | 1 February 1987 | 29 January 1991 (CEDAW/C/GHA/1-2) | Eleventh (1992) |
| Second periodic report | 1 February 1991 | 29 January 1991 (CEDAW/C/GHA/1-2) | Eleventh (1992) |
| Third periodic report | 1 February 1995 | | |
| Fourth periodic report | 1 February 1999 | | |
| Fifth periodic report | 1 February 2003 | | |
| **Greece** | | | |
| Initial report | 7 July 1984 | 5 April 1985 (CEDAW/C/5/Add.28) | Sixth (1987) |

| States parties | Date due[a] | Date of submission | Considered by Committee (session (year)) |
|---|---|---|---|
| Second periodic report | 7 July 1988 | 1 March 1996 (CEDAW/C/GRC/2-3) | Twentieth (1999) |
| Third periodic report | 7 July 1992 | 1 March 1996 (CEDAW/C/GRC/2-3) | Twentieth (1999) |
| Fourth periodic report | 7 July 1996 | 19 April 2001 (CEDAW/C/GRC/4-5) | Exceptional (2002) |
| Fifth periodic report | 7 July 2000 | 19 April 2001 (CEDAW/C/GRC/4-5) | Exceptional (2002) |
| Sixth periodic report | 7 July 2004 | | |
| **Grenada** | | | |
| Initial report | 29 September 1991 | | |
| Second periodic report | 29 September 1995 | | |
| Third periodic report | 29 September 1999 | | |
| Fourth periodic report | 29 September 2003 | | |
| **Guatemala** | | | |
| Initial periodic report | 11 September 1983 | 2 April 1991 (CEDAW/C/GUA/1-2)<br>7 April 1993 (CEDAW/C/GUA/1-2/Amend.1) | Thirteenth (1994) |
| Second periodic report | 11 September 1987 | 2 April 1991 (CEDAW/C/GUA/1-2)<br>7 April 1993 (CEDAW/C/GUA/1-2/Amend.1) | Thirteenth (1994) |
| Third periodic report | 11 September 1991 | 20 March 2001 (CEDAW/C/GUA/3-4) | Exceptional (2002) |
| Fourth periodic report | 11 September 1995 | 20 March 2001 (CEDAW/C/GUA/3-4) | Exceptional (2002) |
| Fifth periodic report | 11 September 1999 | 15 January 2002 (CEDAW/C/GUA/5) | Exceptional (2002) |
| Sixth periodic report | 11 September 2003 | 7 January 2004 (CEDAW/C/GUA/6) | |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| **Guinea** | | | |
| Initial report | 8 September 1983 | 4 August 2000<br>(CEDAW/C/GIN/1-3) | Twenty-fifth (2001) |
| Second periodic report | 8 September 1987 | 4 August 2000<br>(CEDAW/C/GIN/1-3) | Twenty-fifth (2001) |
| Third periodic report | 8 September 1991 | 4 August 2000<br>(CEDAW/C/GIN/1-3) | Twenty-fifth (2001) |
| Fourth periodic report | 8 September 1995 | | |
| Fifth periodic report | 8 September 1999 | | |
| Sixth periodic report | 8 September 2003 | | |
| **Guinea-Bissau** | | | |
| Initial report | 22 September 1986 | | |
| Second periodic report | 22 September 1990 | | |
| Third periodic report | 22 September 1994 | | |
| Fourth periodic report | 22 September 1998 | | |
| Fifth periodic report | 22 September 2002 | | |
| **Guyana** | | | |
| Initial report | 3 September 1982 | 23 January 1990<br>(CEDAW/C/5/Add.63) | Thirteenth (1994) |
| Second periodic report | 3 September 1986 | 20 September 1999<br>(CEDAW/C/GUY/2) | Twenty-fifth (2001) |
| Third periodic report | 3 September 1990 | 27 June 2003<br>(CEDAW/C/GUY/3-6) | |
| Fourth periodic report | 3 September 1994 | 27 June 2003<br>(CEDAW/C/GUY/3-6) | |
| Fifth periodic report | 3 September 1998 | 27 June 2003<br>(CEDAW/C/GUY/3-6) | |
| Sixth periodic report | 3 September 2002 | 27 June 2003<br>(CEDAW/C/GUY/3-6) | |
| **Haiti** | | | |
| Initial report | 20 September 1982 | | |
| Second periodic report | 20 September 1986 | | |
| Third periodic report | 20 September 1990 | | |
| Fourth periodic report | 20 September 1994 | | |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| Fifth periodic report | 20 September 1998 | | |
| Sixth periodic report | 20 September 2002 | | |
| **Honduras** | | | |
| Initial report | 2 April 1984 | 3 December 1986<br>(CEDAW/C/5/Add.44) | Eleventh (1992) |
| Second periodic report | 2 April 1988 | 28 October 1987<br>(CEDAW/C/13/Add.9) | Eleventh (1992) |
| Third periodic report | 2 April 1992 | 31 May 1991<br>(CEDAW/C/HON/3) | Eleventh (1992) |
| Fourth periodic report | 2 April 1996 | | |
| Fifth periodic report | 2 April 2000 | | |
| Sixth periodic report | 2 April 2004 | | |
| **Hungary** | | | |
| Initial report | 3 September 1982 | 20 September 1982<br>(CEDAW/C/5/Add.3) | Third (1984) |
| Second periodic report | 3 September 1986 | 29 September 1986<br>(CEDAW/C/13/Add.1) | Seventh (1988) |
| Third periodic report | 3 September 1990 | 4 April 1991<br>(CEDAW/C/HUN/3) | Fifteenth (1996) |
| | | 3 November 1995<br>(CEDAW/C/HUN/3/Add.1) | |
| Fourth periodic report | 3 September 1994 | 19 September 2000<br>(CEDAW/C/HUN/4-5) | Exceptional (2002) |
| Fifth periodic report | 3 September 1998 | 19 September 2000<br>(CEDAW/C/HUN/4-5) | Exceptional (2002) |
| Sixth periodic report | 3 September 2002 | | |
| **Iceland** | | | |
| Initial report | 18 July 1986 | 5 May 1993<br>(CEDAW/C/ICE/1-2) | Fifteenth (1996) |
| Second periodic report | 18 July 1990 | 5 May 1993<br>(CEDAW/C/ICE/1-2) | Fifteenth (1996) |
| Third periodic report | 18 July 1994 | 15 July 1998<br>(CEDAW/C/ICE/3-4) | Twenty-sixth (2002) |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| Fourth periodic report | 18 July 1998 | 15 July 1998<br>(CEDAW/C/ICE/3-4) | Twenty-sixth (2002) |
| Fifth periodic report | 18 July 2002 | 14 November 2003<br>(CEDAW/C/ICE/5) | |
| **India** | | | |
| Initial report | 8 August 1994 | 2 February 1999<br>(CEDAW/C/IND/1) | Twenty-second (2000) |
| Second periodic report | 8 August 1998 | | |
| Third periodic report | 8 August 2002 | | |
| **Indonesia** | | | |
| Initial report | 13 October 1985 | 17 March 1986<br>(CEDAW/C/5/Add.36) | Seventh (1988) |
| Second periodic report | 13 October 1989 | 6 February 1997<br>(CEDAW/C/IDN/2-3) | Eighteenth (1998) |
| Third periodic report | 13 October 1993 | 6 February 1997<br>(CEDAW/C/IDN/2-3) | Eighteenth (1998) |
| Fourth periodic report | 13 October 1997 | | |
| Fifth periodic report | 13 October 2001 | | |
| **Iraq** | | | |
| Initial report | 12 September 1987 | 16 May 1990<br>(CEDAW/C/5/Add.66/Rev.1) | Twelfth (1993) |
| Second periodic report | 12 September 1991 | 13 October 1998<br>(CEDAW/C/IRQ/2-3) | Twenty-third (2000) |
| Third periodic report | 12 September 1995 | 13 October 1998<br>(CEDAW/C/IRQ/2-3) | Twenty-third (2000 |
| Fourth periodic report | 12 September 1999 | | |
| Fifth periodic report | 12 September 2003 | | |
| **Ireland** | | | |
| Initial report | 22 January 1987 | 18 February 1987<br>(CEDAW/C/5/Add.47) | Eighth (1989) |
| Second periodic report | 22 January 1991 | 7 August 1997<br>(CEDAW/C/IRL/2-3) | Twenty-first (1999) |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| Third periodic report | 22 January 1995 | 7 August 1997<br>(CEDAW/C/IRL/2-3) | Twenty-first (1999) |
| Fourth periodic report | 22 January 1999 | 10 June 2003<br>(CEDAW/C/IRL/4-5) | |
| Fifth periodic report | 22 January 2003 | 10 June 2003<br>(CEDAW/C/IRL/4-5) | |
| **Israel** | | | |
| Initial periodic report | 2 November 1992 | 7 April 1997<br>(CEDAW/C/ISR/1-2) | Seventeenth (1997) |
| Second periodic report | 2 November 1996 | 7 April 1997<br>(CEDAW/C/ISR/1-2) | Seventeenth (1997) |
| Third periodic report | 2 November 2000 | 22 October 2001<br>(CEDAW/C/ISR/3) | |
| **Italy** | | | |
| Initial report | 10 July 1986 | 20 October 1989<br>(CEDAW/C/5/Add.62) | Tenth (1991) |
| Second periodic report | 10 July 1990 | 1 November 1996<br>(CEDAW/C/ITA/2) | Seventeenth (1997) |
| Third periodic report | 10 July 1994 | 9 June 1997<br>(CEDAW/C/ITA/3) | Seventeenth (1997) |
| Fourth periodic report | 10 July 1998 | 22 December 2003<br>(CEDAW/C/ITA/4-5) | |
| Fifth periodic report | 10 July 2002 | 22 December 2003<br>(CEDAW/C/ITA/4-5) | |
| **Jamaica** | | | |
| Initial report | 18 November 1985 | 12 September 1986<br>(CEDAW/C/5/Add.38) | Seventh (1988) |
| Second periodic report | 18 November 1989 | 17 February 1998<br>(CEDAW/C/JAM/2-4) | Twenty-fourth (2001) |
| Third periodic report | 18 November 1993 | 17 February 1998<br>(CEDAW/C/JAM/2-4) | Twenty-fourth (2001) |
| Fourth periodic report | 18 November 1997 | 17 February 1998<br>(CEDAW/C/JAM/2-4) | Twenty-fourth (2001) |

| States parties | Date due[a] | Date of submission | Considered by Committee (session (year)) |
|---|---|---|---|
| Fifth periodic report | 18 November 2001 | 12 February 2004<br>(CEDAW/C/JAM/5) | |
| **Japan** | | | |
| Initial report | 25 July 1986 | 13 March 1987<br>(CEDAW/C/5/Add.48) | Seventh (1988) |
| Second periodic report | 25 July 1990 | 21 February 1992<br>(CEDAW/C/JPN/2) | Thirteenth (1994) |
| Third periodic report | 25 July 1994 | 28 October 1993<br>(CEDAW/C/JPN/3) | Thirteenth (1994) |
| Fourth periodic report | 25 July 1998 | 24 July 1998<br>(CEDAW/C/JPN/4) | Twenty-ninth (2003) |
| Fifth periodic report | 25 July 2002 | 13 September 2002<br>(CEDAW/C/JPN/5) | Twenty-ninth (2003) |
| **Jordan** | | | |
| Initial report | 31 July 1993 | 27 October 1997<br>(CEDAW/C/JOR/1) | Twenty-second (2000) |
| Second periodic report | 31 July 1997 | 19 November 1999<br>(CEDAW/C/JOR/2) | Twenty-second (2000) |
| Third periodic report | 31 July 2001 | | |
| **Kazakhstan** | | | |
| Initial report | 25 September 1999 | 26 January 2000<br>(CEDAW/C/KAZ/1) | Twenty-fourth (2001) |
| Second periodic report | 25 September 2003 | | |
| **Kenya** | | | |
| Initial periodic report | 8 April 1985 | 4 December 1990<br>(CEDAW/C/KEN/1-2) | Twelfth (1993) |
| Second periodic report | 8 April 1989 | 4 December 1990<br>(CEDAW/C/KEN/1-2) | Twelfth (1993) |
| Third periodic report | 8 April 1993 | 5 January 2000<br>(CEDAW/KEN/3-4) | Twenty-eighth (2003) |
| Fourth periodic report | 8 April 1997 | 5 January 2000<br>(CEDAW/KEN/3-4) | Twenty-eighth (2003) |
| Fifth periodic report | 8 April 2001 | | |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| **Kuwait** | | | |
| Initial report | 2 October 1995 | 29 August 2002<br>(CEDAW/C/KWT/1-2) | Thirtieth (2004) |
| Second periodic report | 2 October 1999 | 29 August 2002<br>(CEDAW/C/KWT/1-2) | Thirtieth (2004) |
| Third periodic report | 2 October 2003 | | |
| **Kyrgyzstan** | | | |
| Initial report | 12 March 1998 | 26 August 1998<br>(CEDAW/C/KGZ/1) | Twentieth (1999) |
| Second periodic report | 12 March 2002 | 25 September 2002<br>(CEDAW/C/KGZ/2)<br>(CEDAW/C/KGZ/2/Add.1) | Thirtieth (2004) |
| **Lao People's Democratic Republic** | | | |
| Initial periodic report | 13 September 1982 | 3 February 2003<br>(CEDAW/C/LAO/1-5) | |
| Second periodic report | 13 September 1986 | 3 February 2003<br>(CEDAW/C/LAO/1-5) | |
| Third Periodic report | 13 September 1990 | 3 February 2003<br>(CEDAW/C/LAO/1-5) | |
| Fourth periodic report | 13 September 1994 | 3 February 2003<br>(CEDAW/C/LAO/1-5) | |
| Fifth periodic report | 13 September 1998 | 3 February 2003<br>(CEDAW/C/LAO/1-5) | |
| Sixth periodic report | 13 September 2002 | | |
| **Latvia** | | | |
| Initial report | 14 May 1993 | 13 June 2003<br>(CEDAW/C/LVA/1-3) | Thirty-first (2004) |
| Second periodic report | 14 May 1997 | 13 June 2003<br>(CEDAW/C/LVA/1-3) | Thirty-first (2004) |
| Third periodic report | 14 May 2001 | 13 June 2003<br>(CEDAW/C/LVA/1-3) | Thirty-first (2004) |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| **Lebanon** | | | |
| Initial report | 21 May 1998 | 12 November 2003 (CEDAW/LBN/1) | |
| Second periodic report | 16 May 2002 | | |
| **Lesotho** | | | |
| Initial report | 21 September 1996 | | |
| Second periodic report | 21 September 2000 | | |
| **Liberia** | | | |
| Initial report | 16 August 1985 | | |
| Second periodic report | 16 August 1989 | | |
| Third periodic report | 16 August 1993 | | |
| Fourth periodic report | 16 August 1997 | | |
| Fifth periodic report | 16 August 2001 | | |
| **Libyan Arab Jamahiriya** | | | |
| Initial report | 15 June 1990 | 18 February 1991 (CEDAW/C/LIB/1)<br>4 October 1993 (CEDAW/C/LIB/1/Add.1) | Thirteen (1994) |
| Second periodic report | 15 June 1994 | 14 December 1998 (CEDAW/C/LBY/2) | |
| Third periodic report | 15 June 1998 | | |
| Fourth periodic report | 15 June 2002 | | |
| **Liechtenstein** | | | |
| Initial report | 21 January 1997 | 4 August 1997 (CEDAW/C/LIE/1) | Twentieth (1999) |
| Second periodic report | 21 January 2001 | June 2001 (CEDAW/C/LIE/2) | |
| **Lithuania** | | | |
| Initial report | 17 February 1995 | 4 June 1998 (CEDAW/C/LTU/1) | Twenty-third (2000) |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| Second periodic report | 17 February 1999 | 4 April 2000<br>(CEDAW/C/LTU/2) | Twenty-third (2000) |
| Third periodic report | 17 February 2003 | | |
| **Luxembourg** | | | |
| Initial report | 4 March 1990 | 13 November 1996<br>(CEDAW/C/LUX/1) | Seventeenth (1997) |
| Second periodic report | 4 March 1994 | 8 April 1997<br>(CEDAW/C/LUX/2) | Seventeenth (1997) |
| Third periodic report | 4 March 1998 | 12 March 1998<br>(CEDAW/C/LUX/3) | Twenty-second (2000) |
| | | 17 June 1998<br>(CEDAW/C/LUX/3/Add.1) | |
| Fourth periodic report | 4 March 2002 | 12 March 2002<br>(CEDAW/C/LUX/4) | Twenty-eighth (2003) |
| **Madagascar** | | | |
| Initial report | 16 April 1990 | 21 May 1990<br>(CEDAW/C/5/Add.65) | Thirteenth (1994) |
| | | 8 November 1993<br>(CEDAW/C/5/Add.65/Rev.2) | |
| Second periodic report | 16 April 1994 | | |
| Third periodic report | 16 April 1998 | | |
| Fourth periodic report | 16 April 2002 | | |
| **Malawi** | | | |
| Initial report | 11 April 1988 | 15 July 1988<br>(CEDAW/C/5/Add.58) | Ninth (1990) |
| Second periodic report | 11 April 1992 | 11 June 2004<br>(CEDAW/C/MWI/2-5) | |
| Third periodic report | 11 April 1996 | 11 June 2004<br>(CEDAW/C/MWI/2-5) | |
| Fourth periodic report | 11 April 2000 | 11 June 2004<br>(CEDAW/C/MWI/2-5) | |
| Fifth periodic report | 11 April 2004 | 11 June 2004<br>(CEDAW/C/MWI/2-5) | |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| **Malaysia** | | | |
| Initial periodic report | 4 August 1996 | 22 March 2004 (CEDAW/C/MYS/1-2) | |
| Second periodic report | 4 August 2000 | 22 March 2004 (CEDAW/C/MYS/1-2) | |
| Third periodic report | 4 August 2004 | | |
| **Maldives** | | | |
| Initial report | 1 July 1994 | 28 January 1999 (CEDAW/C/MDV/1) | Twenty-fourth (2001) |
| Second periodic report | 1 July 1998 | | |
| Third periodic report | 1 July 2002 | | |
| **Mali** | | | |
| Initial report | 10 October 1986 | 13 November 1986 (CEDAW/C/5/Add.43) | Seventh (1988) |
| Second periodic report | 10 October 1990 | 17 March 2004 (CEDAW/C/MLI/2-5) | |
| Third periodic report | 10 October 1994 | 17 March 2004 (CEDAW/C/MLI/2-5) | |
| Fourth periodic report | 10 October 1998 | 17 March 2004 (CEDAW/C/MLI/2-5) | |
| Fifth periodic report | 10 October 2002 | 17 March 2004 (CEDAW/C/MLI/2-5) | |
| **Malta** | | | |
| Initial periodic report | 7 April 1992 | 1 August 2002 (CEDAW/C/MLT/1-3) | Thirty-first (2004) |
| Second periodic report | 7 April 1996 | 1 August 2002 (CEDAW/C/MLT/1-3) | Thirty-first (2004) |
| Third periodic report | 7 April 2000 | 1 August 2002 (CEDAW/C/MLT/1-3) | Thirty-first (2004) |
| Fourth periodic report | 7 April 2004 | | |
| **Mauritania** | | | |
| Initial report | 9 June 2002 | | |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| **Mauritius** | | | |
| Initial report | 8 August 1985 | 23 February 1992 (CEDAW/C/MAR/1-2) | Fourteenth (1995) |
| Second periodic report | 8 August 1989 | 23 January 1992 (CEDAW/C/MAR/1-2) | Fourteenth (1995) |
| Third periodic report | 8 August 1993 | | |
| Fourth periodic report | 8 August 1997 | | |
| Fifth periodic report | 8 August 2001 | | |
| **Mexico** | | | |
| Initial report | 3 September 1982 | 14 September 1982 (CEDAW/C/5/Add.2) | Second (1983) |
| Second periodic report | 3 September 1986 | 3 December 1987 (CEDAW/C/13/Add.10) | Ninth (1990) |
| Third periodic report | 3 September 1990 | 7 April 1997 (CEDAW/C/MEX/3-4)<br>9 July 1997 (CEDAW/C/MEX/3-4/Add.1) | Eighteenth (1998) |
| Fourth periodic report | 3 September 1994 | 7 April 1997 (CEDAW/C/MEX/3-4)<br>9 July 1997 (CEDAW/C/MEX/3-4/Add.1) | Eighteenth (1998) |
| Fifth periodic report | 3 September 1998 | 1 December 2000 (CEDAW/C/MEX/5) | Exceptional (2002) |
| Sixth periodic report | 3 September 2002 | | |
| **Mongolia** | | | |
| Initial report | 3 September 1982 | 18 November 1983 (CEDAW/C/5/Add.20) | Fifth (1986) |
| Second periodic report | 3 September 1986 | 17 March 1987 (CEDAW/C/13/Add.7) | Ninth (1990) |
| Third periodic report | 3 September 1990 | 8 December 1998 (CEDAW/C/MNG/3-4) | Twenty-four (2001) |
| Fourth periodic report | 3 September 1994 | 8 December 1998 (CEDAW/C/MNG/3-4) | Twenty-four (2001) |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| Fifth periodic report | 3 September 1998 | | |
| Sixth periodic report | 3 September 2002 | | |
| **Morocco** | | | |
| Initial report | 21 July 1994 | 14 September 1994<br>(CEDAW/C/MOR/1) | Sixteenth (1997) |
| Second periodic report | 21 July 1998 | 29 February 2000<br>(CEDAW/C/MOR/2) | Twenty-ninth (2003) |
| Third periodic report | 21 July 2002 | | |
| **Mozambique** | | | |
| Initial report | 16 May 1998 | | |
| Second periodic report | 16 May 2002 | | |
| **Myanmar** | | | |
| Initial report | 21 August 1998 | 14 March 1999<br>(CEDAW/C/MMR/1) | Twenty-second (2000) |
| Second periodic report | 21 August 2002 | | |
| **Namibia** | | | |
| Initial report | 23 December 1993 | 4 November 1996<br>(CEDAW/C/NAM/1) | Seventeenth (1997) |
| Second periodic report | 23 December 1997 | | |
| Third periodic report | 23 December 2001 | | |
| **Nepal** | | | |
| Initial report | 22 May 1992 | 16 November 1998<br>(CEDAW/C/NPL/1) | Twenty-first (1999) |
| Second periodic report | 22 May 1996 | 26 November 2002<br>(CEDAW/C/NPL/2-3) | Thirtieth (2004) |
| Third periodic report | 22 May 2000 | 26 November 2002<br>(CEDAW/C/NPL/2-3) | Thirtieth (2004) |
| Fourth periodic report | 22 May 2004 | | |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| **Netherlands** | | | |
| Initial report | 22 August 1992 | 19 November 1992 (CEDAW/C/NET/1)<br>17 September 1993 (CEDAW/C/NET/1/Add.1)<br>20 September 1993 (CEDAW/C/NET/1/Add.2)<br>9 October 1993 (CEDAW/C/NET/1/Add.3) | Thirteenth (1994) |
| Second periodic report | 22 August 1996 | 10 December 1998<br>(CEDAW/C/NET)<br>(CEDAW/C/NET/2/Add.1)<br>(CEDAW/C/NET/2/Add.2) | Twenty-fifth (2001) |
| Third periodic report | 22 August 2000 | 13 November 2000 (CEDAW/C/NET/3)<br>8 November 2000 (CEDAW/C/NET/3/Add.1)<br>8 November 2000 (CEDAW/C/NET/3/Add.2) | Twenty-fifth (2001) |
| **New Zealand** | | | |
| Initial report | 9 February 1986 | 3 October 1986 (CEDAW/C/5/Add.41) | Seventh (1988) |
| Second periodic report | 9 February 1990 | 3 November 1992 (CEDAW/C/NZE/2)<br>27 October 1993 (CEDAW/C/NZE/2/Add.1) | Thirteenth (1994) |
| Third periodic report | 9 February 1994 | 2 March 1998 (CEDAW/C/NZL/3-4)<br>15 April 1998 (CEDAW/C/NZL/3-4/Add.1) | Nineteenth (1998) |
| Fourth periodic report | 9 February 1998 | 2 March 1998 (CEDAW/C/NZL/3-4)<br>15 April 1998 (CEDAW/C/NZL/3-4/Add.1) | Nineteenth (1998) |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| Fifth periodic report | 9 February 2002 | 7 October 2002<br>(CEDAW/C/NZL/5) | Twenty-ninth (2003) |
| **Nicaragua** | | | |
| Initial report | 26 November 1982 | 22 September 1987<br>(CEDAW/C/5/Add.55) | Eighth (1989) |
| Second periodic report | 26 November 1986 | 16 March 1989<br>(CEDAW/C/13/Add.20) | Twelfth (1993) |
| Third periodic report | 26 November 1990 | 15 October 1992<br>(CEDAW/C/NIC/3) | Twelfth (1993) |
| Fourth periodic report | 26 November 1994 | 16 June 1998<br>(CEDAW/C/NIC/4) | Twenty-fifth (2001) |
| Fifth periodic report | 26 November 1998 | 2 September 1999<br>(CEDAW/C/NIC/5) | Twenty-fifth (2001) |
| Sixth periodic report | 26 November 2002 | | |
| **Niger** | | | |
| Initial report | 8 November 2000 | | |
| **Nigeria** | | | |
| Initial report | 13 July 1986 | 1 April 1987<br>(CEDAW/C/5/Add.49) | Seventh (1988) |
| Second periodic report | 13 July 1990 | 13 February 1997<br>(CEDAW/C/NGA/2-3) | Nineteenth (1998) |
| Third periodic report | 13 July 1994 | 13 February 1997<br>(CEDAW/C/NGA/2-3) | Nineteenth (1998) |
| Fourth periodic report | 13 July 1998 | 23 January 2003<br>(CEDAW/C/NGA/4-5) | Thirties (2004) |
| Fifth periodic report | 13 July 2002 | 23 January 2003<br>(CEDAW/C/NGA/4-5) | Thirtieth (2004) |
| **Norway** | | | |
| Initial report | 20 June 1982 | 3 September 1986<br>(CEDAW/C/5/Add.7) | Third (1984) |
| Second periodic report | 20 June 1986 | 23 June 1988<br>(CEDAW/C/13/Add.15) | Tenth (1991) |
| Third periodic report | 20 September 1990 | 25 January 1991<br>(CEDAW/C/NOR/3) | Fourteenth (1995) |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| Fourth periodic report | 20 September 1994 | 1 September 1994<br>(CEDAW/C/NOR/4) | Fourteenth (1995) |
| Fifth periodic report | 20 September 1998 | 23 March 2000<br>(CEDAW/C/NOR/5) | Twenty-eighth (2003) |
| Sixth periodic report | 20 September 2002 | 5 June 2002<br>(CEDAW/C/NOR/6) | Twenty-eighth (2003) |
| **Pakistan** | | | |
| Initial report | 11 June 1997 | | |
| Second periodic report | 11 June 2001 | | |
| **Panama** | | | |
| Initial report | 28 November 1982 | 12 December 1982<br>(CEDAW/C/5/Add.9) | Fourth (1985) |
| Second periodic report | 28 November 1986 | 17 January 1997<br>(CEDAW/C/PAN/2-3) | Nineteenth (1998) |
| Third periodic report | 28 November 1990 | 17 January 1997<br>(CEDAW/C/PAN/2-3) | Nineteenth (1998) |
| Fourth periodic report | 28 November 1994 | | |
| Fifth periodic report | 28 November 1998 | | |
| Sixth periodic report | 28 November 2002 | | |
| **Papua New Guinea** | | | |
| Initial report | 11 February 1996 | | |
| Second periodic report | 11 February 2000 | | |
| Third Periodic report | 11 February 2004 | | |
| **Paraguay** | | | |
| Initial report | 6 May 1988 | 4 June 1992<br>(CEDAW/C/PAR/1-2)<br>23 August 1995<br>(CEDAW/C/PAR/1-2/Add.1)<br>20 November 1995<br>(CEDAW/C/PAR/1-2/Add.2) | Fifteenth (1996) |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| Second periodic report | 6 May 1992 | 4 June 1992 (CEDAW/C/PAR/1-2) | Fifteenth (1996) |
| | | 23 August 1995 (CEDAW/C/PAR/1-2/Add.1) | |
| | | 20 November 1995 (CEDAW/C/PAR/1-2/Add.2) | |
| Third periodic report | 6 May 1996 | 28 August 2003 (CEDAW/C/PAR/3-4) | |
| Fourth periodic report | 6 May 2000 | 28 August 2003 (CEDAW/C/PAR/3-4) | |
| Fifth periodic report | 6 May 2004 | 25 May 2004 (CEDAW/C/PAR/5) | |
| **Peru** | | | |
| Initial report | 13 October 1983 | 14 September 1988 (CEDAW/C/5/Add.60) | Ninth (1990) |
| Second periodic report | 13 October 1987 | 13 February 1990 (CEDAW/C/13/Add.29) | Fourteenth (1995) |
| Third periodic report | 13 October 1991 | 25 November 1994 (CEDAW/C/PER/3-4) | Nineteenth (1998) |
| Fourth periodic report | 13 October 1995 | 25 November 1994 (CEDAW/C/PER/3-4) | Nineteenth (1998) |
| Fifth periodic report | 13 October 1999 | 21 July 2000 (CEDAW/C/PER/5 ) | Exceptional (2002) |
| Sixth periodic report | 13 October 2003 | 3 February 2004 (CEDAW/C/PER/5) | |
| **Philippines** | | | |
| Initial report | 4 September 1982 | 22 October 1982 (CEDAW/C/5/Add.6) | Third (1984) |
| Second periodic report | 4 September 1986 | 12 December 1988 (CEDAW/C/13/Add.17) | Tenth (1991) |
| Third periodic report | 4 September 1990 | 20 January 1993 (CEDAW/C/PHI/3) | Sixteenth (1997) |
| Fourth periodic report | 4 September 1994 | 22 April 1996 (CEDAW/C/PHI/4) | Sixteenth (1997) |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| Fifth periodic report | 4 September 1998 | 27 July 2004<br>(CEDAW/C/PHI/5-6) | |
| Sixth periodic report | 4 September 2002 | 26 July 2004<br>(CEDAW/C/PHI/5-6) | |
| **Poland** | | | |
| Initial report | 3 September 1982 | 10 October 1985<br>(CEDAW/C/5/Add.31) | Sixth (1987) |
| Second periodic report | 3 September 1986 | 17 November 1988<br>(CEDAW/C/13/Add.16) | Tenth (1991) |
| Third periodic report | 3 September 1990 | 22 November 1990<br>(CEDAW/C/18/Add.2) | Tenth (1991) |
| Fourth periodic report | 3 September 1994 | | |
| Fifth periodic report | 3 September 1998 | | |
| Sixth periodic report | 3 September 2002 | | |
| **Portugal** | | | |
| Initial report | 3 September 1982 | 19 July 1983<br>(CEDAW/C/5/Add.21) | Fifth (1986) |
| Second periodic report | 3 September 1986 | 18 May 1989<br>(CEDAW/C/13/Add.22) | Tenth (1991) |
| Third periodic report | 3 September 1990 | 10 December 1990<br>(CEDAW/C/18/Add.3) | Tenth (1991) |
| Fourth periodic report | 3 September 1994 | 23 November 1999<br>(CEDAW/C/PRT/4) | Twenty-sixth (2002) |
| Fifth periodic report | 3 September 1998 | 13 June 2001<br>(CEDAW/C/PRT/5) | Twenty-sixth (2002) |
| Sixth periodic report | 3 September 2002 | | |
| **Republic of Korea** | | | |
| Initial report | 26 January 1986 | 13 March 1986<br>(CEDAW/C/5/Add.35) | Sixth (1987) |
| Second periodic report | 26 January 1990 | 19 December 1989<br>(CEDAW/C/13/Add.28) | Twelfth (1993) |
| Third periodic report | 26 January 1994 | 8 September 1994<br>(CEDAW/C/KOR/3) | Nineteenth (1998) |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| Fourth periodic report | 26 January 1998 | 27 March 1998 (CEDAW/C/KOR/4) | Nineteenth (1998) |
| Fifth periodic report | 26 January 2002 | 23 July 2003 (CEDAW/C/KOR/5) | |
| **Republic of Moldova** | | | |
| Initial report | 31 July 1995 | 26 October 1998 (CEDAW/C/MDA/1) | Twenty-third (2000) |
| Second periodic report | 31 July 1999 | | |
| Third periodic report | 31 July 2003 | | |
| **Romania** | | | |
| Initial report | 6 February 1983 | 14 January 1987 (CEDAW/C/5/Add.45) | Twelfth (1993) |
| Second periodic report | 6 February 1987 | 19 October 1992 (CEDAW/C/ROM/2-3) | Twelfth (1993) |
| Third periodic report | 6 February 1991 | 19 October 1992 (CEDAW/C/ROM/2-3) | Twelfth (1993) |
| Fourth periodic report | 6 February 1995 | 10 December 1998 (CEDAW/C/ROM/4-5) | Twenty-third (2000) |
| Fifth periodic report | 6 February 1999 | 10 December 1998 (CEDAW/C/ROM/4-5) | Twenty-third (2000) |
| Sixth periodic report | 6 February 2003 | 10 December 2003 (CEDAW/C/ROM/6) | |
| **Russian Federation** | | | |
| Initial report | 3 September 1982 | 2 March 1983 (CEDAW/C/5/Add.12) | Second (1983) |
| Second periodic report | 3 September 1986 | 10 February 1987 (CEDAW/C/13/Add.4) | Eighth (1989) |
| Third periodic report | 3 September 1990 | 24 July 1991 (CEDAW/C/USR/3) | Fourteenth (1995) |
| Fourth periodic report | 3 September 1994 | 31 August 1994 (CEDAW/C/USR/4) | Fourteenth (1995) |
| Fifth periodic report | 3 September 1998 | 3 March 1999 (CEDAW/C/USR/5) | Twenty-sixth (2002) |
| Sixth periodic report | 3 September 2002 | | |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| **Rwanda** | | | |
| Initial report | 3 September 1982 | 24 May 1983<br>(CEDAW/C/5/Add.13) | Third (1984) |
| Second periodic report | 3 September 1986 | 7 March 1988<br>(CEDAW/C/13/Add.13) | Tenth (1991) |
| Third periodic report | 3 September 1990 | 18 January 1991<br>(CEDAW/C/RWA/3) | Twelfth (1993) |
| Fourth periodic report | 3 September 1994 | | |
| Fifth periodic report | 3 September 1998 | | |
| Sixth periodic report | 3 September 2002 | | |
| **Saint Kitts and Nevis** | | | |
| Initial report | 25 May 1986 | 18 January 2002<br>(CEDAW/C/KNA/1-4) | Twenty-seventh (2002) |
| Second periodic report | 25 May 1990 | 18 January 2002<br>(CEDAW/C/KNA/1-4) | Twenty-seventh (2002) |
| Third periodic report | 25 May 1994 | 18 January 2002<br>(CEDAW/C/KNA/1-4) | Twenty-seventh (2002) |
| Fourth periodic report | 25 May 1998 | 18 January 2002<br>(CEDAW/C/KNA/1-4) | Twenty-seventh (2002) |
| Fifth periodic report | 25 May 2002 | | |
| **Saint Lucia** | | | |
| Initial report | 7 November 1983 | | |
| Second periodic report | 7 November 1987 | | |
| Third periodic report | 7 November 1991 | | |
| Fourth periodic report | 7 November 1995 | | |
| Fifth periodic report | 7 November 1999 | | |
| Sixth periodic report | 7 November 2003 | | |
| **Saint Vincent and the Grenadines** | | | |
| Initial report | 3 September 1982 | 27 September 1991<br>(CEDAW/C/STV/1-3)<br>28 July 1994<br>(CEDAW/C/STV/1-3/Add.1) | Sixteenth (1997) |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| Second periodic report | 3 September 1986 | 27 September 1991<br>(CEDAW/C/STV/1-3)<br>28 July 1994<br>(CEDAW/C/STV/1-3/Add.1 ) | Sixteenth (1997) |
| Third periodic report | 3 September 1990 | 27 September 1991<br>(CEDAW/C/STV/1-3)<br>28 July 1994<br>(CEDAW/C/STV/1-3/Add.1) | Sixteenth (1997) |
| Fourth periodic report | 3 September 1994 | | |
| Fifth periodic report | 3 September 1998 | | |
| Sixth periodic report | 3 September 2002 | | |
| **Samoa** | | | |
| Initial report | 25 October 1993 | 2 May 2003<br>(CEDAW/C/WSM/1-3) | |
| Second periodic report | 25 October 1997 | 2 May 2003<br>(CEDAW/C/WSM/1-3) | |
| Third periodic report | 25 October 2001 | 2 May 2003<br>(CEDAW/C/WSM/1-3) | |
| **Sao Tome and Principe** | | | |
| Initial report | 3 July 2004 | | |
| **Saudi Arabia** | | | |
| Initial report | 7 October 2001 | | |
| **Senegal** | | | |
| Initial report | 7 March 1986 | 5 November 1986<br>(CEDAW/C/5/Add.42) | Seventh (1988) |
| Second periodic report | 7 March 1990 | 23 September 1991<br>(CEDAW/C/SEN/2)<br>(CEDAW/C/SEN/2/Amend.1) | Thirteenth (1994) |
| Third periodic report | 7 March 1994 | | |
| Fourth periodic report | 7 March 1998 | | |
| Fifth periodic report | 7 March 2002 | | |
| **Serbia and Montenegro** | | | |
| Initial report | 11 April 2002 | | |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| **Seychelles** | | | |
| Initial report | 4 June 1993 | | |
| Second periodic report | 4 June 1997 | | |
| Third periodic report | 4 June 2001 | | |
| **Sierra Leone** | | | |
| Initial report | 11 December 1989 | | |
| Second periodic report | 11 December 1993 | | |
| Third periodic report | 11 December 1997 | | |
| Fourth periodic report | 11 December 2001 | | |
| **Singapore** | | | |
| Initial report | 4 November 1996 | 1 December 1999 (CEDAW/C/SGP/1) | Twenty-fifth (2001) |
| Second periodic report | 4 November 2000 | 16 April 2001 (CEDAW/C/SGP/2) | Twenty-fifth (2001) |
| **Slovakia** | | | |
| Initial report | 27 June 1994 | 29 April 1996 (CEDAW/C/SVK/1)<br>11 May 1998 (CEDAW/C/SVK/1/Add.1) | Nineteenth (1998) |
| Second periodic report | 27 June 1998 | | |
| Third periodic report | 27 June 2002 | | |
| **Slovenia** | | | |
| Initial report | 5 August 1993 | 23 November 1993 (CEDAW/C/SVN/1) | Sixteenth (1997) |
| Second periodic report | 5 August 1997 | 26 April 1999 (CEDAW/C/SVN/2) | Twenty-ninth (2003) |
| Third periodic report | 5 August 2001 | 4 December 2002 (CEDAW/CSVN/3) | Twenty-ninth (2003) |
| **Solomon Islands** | | | |
| Initial report | 6 June 2003 | | |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| **South Africa** | | | |
| Initial report | 14 January 1997 | 5 February 1998<br>(CEDAW/C/ZAF/1) | Nineteenth (1998) |
| Second periodic report | 14 January 2001 | | |
| **Spain** | | | |
| Initial report | 4 February 1985 | 20 August 1985<br>(CEDAW/C/5/Add.30) | Sixth (1987) |
| Second periodic report | 4 February 1989 | 9 February 1989<br>(CEDAW/C/13/Add.19) | Eleventh (1992) |
| Third periodic report | 4 February 1993 | 20 May 1996<br>(CEDAW/C/ESP/3) | Twenty-first (1999) |
| Fourth periodic report | 4 February 1997 | 20 October 1998<br>(CEDAW/C/ESP/4) | Twenty-first (1999) |
| Fifth periodic report | 4 February 2001 | 11 April 2003<br>(CEDAW/C/ESP/5) | Thirty-first (2004) |
| **Sri Lanka** | | | |
| Initial report | 4 November 1982 | 7 July 1985<br>(CEDAW/C/5/Add.29) | Sixth (1987) |
| Second periodic report | 4 November 1986 | 29 December 1988<br>(CEDAW/C/13/Add.18) | Eleventh (1992) |
| Third periodic report | 4 November 1990 | 7 October 1999<br>(CEDAW/C/LKA/3-4) | Twenty-sixth (2002) |
| Fourth periodic report | 4 November 1994 | 7 October 1999<br>(CEDAW/C/LKA/3-4) | Twenty-sixth (2002) |
| Fifth periodic report | 4 November 1998 | | |
| Sixth periodic report | 4 November 2002 | | |
| **Suriname** | | | |
| Initial periodic report | 31 March 1994 | 13 February 2002<br>(CEDAW/C/SUR/1-2) | Twenty-seventh (2002) |
| Second periodic report | 31 March 1998 | 13 February 2002<br>(CEDAW/C/SUR/1-2) | Twenty-seventh (2002) |
| Third periodic report | 31 March 2002 | | |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| **Sweden** | | | |
| Initial report | 3 September 1982 | 22 October 1982<br>(CEDAW/C/5/Add.8) | Second (1983) |
| Second periodic report | 3 September 1986 | 10 March 1987<br>(CEDAW/C/13/Add.6) | Seventh (1988) |
| Third periodic report | 3 September 1990 | 3 October 1990<br>(CEDAW/C/18/Add.1) | Twelfth (1993) |
| Fourth periodic report | 3 September 1994 | 21 May 1996<br>(CEDAW/C/SWE/4) | Twenty-fifth (2001) |
| Fifth periodic report | 3 September 1998 | 8 December 2000<br>(CEDAW/C/SWE/5) | Twenty-fifth (2001) |
| Sixth periodic report | 3 September 2002 | | |
| **Switzerland** | | | |
| Initial report | 26 April 1998 | 20 February 2002<br>(CEDAW/C/CHE/1-2) | Twenty-eighth (2003) |
| Second periodic report | 26 April 2002 | 20 February 2002<br>(CEDAW/C/CHE/1-2) | Twenty-eighth (2003) |
| **Syrian Arab Republic** | | | |
| Initial report | 27 April 2004 | | |
| **Tajikistan** | | | |
| Initial report | 25 October 1994 | | |
| Second periodic report | 25 October 1998 | | |
| Third periodic report | 25 October 2002 | | |
| **Thailand** | | | |
| Initial report | 8 September 1986 | 1 June 1987<br>(CEDAW/C/5/Add.51) | Ninth (1990) |
| Second periodic report | 8 September 1990 | 3 March 1997<br>(CEDAW/C/THA/2-3) | Twentieth (1999) |
| Third periodic report | 8 September 1994 | 3 March 1997<br>(CEDAW/C/THA/2-3) | Twentieth (1999) |
| Fourth periodic report | 8 September 1998 | 7 October 2003<br>(CEDAW/C/THA/4-5) | |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| Fifth periodic report | 8 September 2002 | 7 October 2003 (CEDAW/C/THA/4-5) | |
| **The former Yugoslav Republic of Macedonia** | | | |
| Initial periodic report | 17 February 1995 | 26 May 2004 (CEDAW/C/MCD/1-3) | |
| Second periodic report | 17 February 1999 | 26 May 2004 (CEDAW/C/MCD/1-3) | |
| Third periodic report | 17 February 2003 | 26 May 2004 (CEDAW/C/MCD/1-3) | |
| **Timor-Leste** | | | |
| Initial report | 16 May 2004 | | |
| **Togo** | | | |
| Initial report | 26 October 1984 | 11 March 2004 (CEDAW/C/TGO/1-5) | |
| Second periodic report | 26 October 1988 | 11 March 2004 (CEDAW/C/TGO/1-5) | |
| Third periodic report | 26 October 1992 | 11 March 2004 (CEDAW/C/TGO/1-5) | |
| Fourth periodic report | 26 October 1996 | 11 March 2004 (CEDAW/C/TGO/1-5) | |
| Fifth periodic report | 26 October 2000 | 11 March 2004 (CEDAW/C/TGO/1-5) | |
| **Trinidad and Tobago** | | | |
| Initial report | 11 February 1991 | 23 January 2001 (CEDAW/C/TTO/1-3) | Twenty-sixth (2002) |
| Second periodic report | 11 February 1995 | 23 January 2001 (CEDAW/C/TTO/1-3) | Twenty-sixth (2002) |
| Third periodic report | 11 February 1999 | 23 January 2001 (CEDAW/C/TTO/1-3) | Twenty-sixth (2002) |
| Fourth periodic report | 11 February 2003 | | |
| **Tunisia** | | | |
| Initial report | 20 October 1986 | 17 September 1993 (CEDAW/C/TUN/1-2) | Fourteenth (1995) |

| States parties | Date due[a] | Date of submission | Considered by Committee (session (year)) |
|---|---|---|---|
| Second periodic report | 20 October 1990 | 17 September 1993 (CEDAW/C/TUN/1-2) | Fourteenth (1995) |
| Third periodic report | 20 October 1994 | 27 July 2000 (CEDAW/C/TUN/3-4) | Twenty-seventh (2002) |
| Fourth periodic report | 20 October 1998 | 27 July 2000 (CEDAW/C/TUN/3-4) | Twenty-seventh (2002) |
| Fifth periodic report | 20 October 2002 | | |
| **Turkey** | | | |
| Initial report | 19 January 1987 | 27 January 1987 (CEDAW/C/5/Add.46) | Ninth (1990) |
| Second periodic report | 19 January 1991 | 3 September 1996 (CEDAW/C/TUR/2-3) | Sixteenth (1997) |
| | | 23 December 1996 (CEDAW/C/TUR/2/Corr.1) | |
| Third periodic report | 19 January 1995 | 3 September 1996 (CEDAW/C/TUR/2-3) | Sixteenth (1997) |
| Fourth periodic report | 19 January 1999 | 31 July 2003 (CEDAW/C/TUR/4-5) | |
| Fifth periodic report | 19 January 2003 | 31 July 2003 (CEDAW/C/TUR/4-5) | |
| **Turkmenistan** | | | |
| Initial report | 31 May 1998 | | |
| Second periodic report | 31 May 2002 | | |
| **Tuvalu** | | | |
| Initial report | 6 November 2000 | | |
| **Uganda** | | | |
| Initial periodic report | 21 August 1986 | 1 June 1992 (CEDAW/C/UGA/1-2) | Fourteenth (1995) |
| | | 13 September 1994 (CEDAW/C/UGA/1-2/Add.1) | |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| Second periodic report | 21 August 1990 | 1 June 1992<br>(CEDAW/C/UGA/1-2)<br>13 September 1994<br>(CEDAW/C/UGA/1-2/Add.1) | Fourteenth (1995) |
| Third periodic report | 21 August 1994 | 22 May 2000<br>(CEDAW/C/UGA/3) | Exceptional (2002) |
| Fourth periodic report | 21 August 1998 | | |
| Fifth periodic report | 21 August 2002 | | |
| **Ukraine** | | | |
| Initial report | 3 September 1982 | 2 March 1983<br>(CEDAW/C/5/Add.11) | Second (1983) |
| Second periodic report | 3 September 1986 | 13 August 1987<br>(CEDAW/C/13/Add.8) | Ninth (1990) |
| Third periodic report | 3 September 1990 | 31 May 1991<br>(CEDAW/C/UKR/3)<br>21 November 1995<br>(CEDAW/C/UKR/3/Add.1) | Fifteenth (1996) |
| Fourth periodic report | 3 September 1994 | 2 August 1999<br>(CEDAW/C/UKR/4-5)<br>(CEDAW/C/UKR/4-5/Corr.1) | Twenty-seventh (2002) |
| Fifth periodic report | 3 September 1998 | 2 August 1999<br>CEDAW/C/UKR/4-5) | Twenty-seventh (2002) |
| Sixth periodic report | 3 September 2002 | | |
| **United Kingdom of Great Britain and Northern Ireland** | | | |
| Initial report | 7 May 1987 | 25 June 1987<br>(CEDAW/C/5/Add.52) | Ninth (1990) |
| Second periodic report | 7 May 1991 | 11 May 1991<br>(CEDAW/C/UK/2) | Twelfth (1993) |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| Third periodic report | 7 May 1995 | 16 August 1995 (CEDAW/C/UK/3)<br>7 August 1997 (CEDAW/C/UK/3/Add.1)<br>14 July 1998 (CEDAW/C/UK/3/Add.2)<br>17 September 1998 | Twenty-first (1999) |
| Fourth periodic report | 7 May 1999 | 19 January 1999 (CEDAW/C/UK/4 and Add.1, Add.2, Add. 3 and Add.4) | Twenty-first (1999) |
| Fifth periodic report | 7 May 2003 | 7 August 2003 (CEDAW/C/UK/5 and Add.1 and 2) | |
| **United Republic of Tanzania** | | | |
| Initial report | 19 September 1986 | 9 March 1988 (CEDAW/C/5/Add.57) | Ninth (1990) |
| Second periodic report | 19 September 1990 | 25 September 1996 (CEDAW/C/TZA/2-3) | Nineteenth (1998) |
| Third periodic report | 19 September 1994 | 25 September 1996 (CEDAW/C/TZA/2-3) | Nineteenth (1998) |
| Fourth periodic report | 19 September 1998 | | |
| Fifth periodic report | 19 September 2002 | | |
| **Uruguay** | | | |
| Initial report | 8 November 1982 | 23 November 1984 (CEDAW/C/5/Add.27) | Seventh (1988) |
| Second periodic report | 8 November 1986 | 8 February 1999 (CEDAW/C/URY/2-3) | Twenty-sixth (2002) |
| Third periodic report | 8 November 1990 | 8 February 1999 (CEDAW/C/URY/2-3) | Twenty-sixth (2002) |
| Fourth periodic report | 8 November 1994 | | |
| Fifth periodic report | 8 November 1998 | | |
| Sixth periodic report | 8 November 2002 | | |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| **Uzbekistan** | | | |
| Initial report | 18 August 1996 | 19 January 2000 (CEDAW/C/UZB/1) | Twenty-fourth (2001) |
| Second periodic report | 18 August 2000 | | |
| **Vanuatu** | | | |
| Initial report | 8 October 1996 | | |
| Second periodic report | 8 October 2000 | | |
| **Venezuela** | | | |
| Initial report | 1 June 1984 | 27 August 1984 (CEDAW/C/5/Add.24) | Fifth (1986) |
| Second periodic report | 1 June 1988 | 18 April 1989 (CEDAW/C/13/Add.21) | Eleventh (1992) |
| Third periodic report | 1 June 1992 | 8 February 1995 (CEDAW/C/VEN/3) | Sixteenth (1997) |
| Fourth periodic report | 1 June 1996 | 25 June 2004 (CEDAW/C/VEN/4-6) | |
| Fifth periodic report | 1 June 2000 | 25 June 2004 (CEDAW/C/VEN/4-6) | |
| Sixth periodic report | 1 June 2004 | 25 June 2004 (CEDAW/C/VEN/4-6) | |
| **Viet Nam** | | | |
| Initial report | 19 March 1983 | 2 October 1984 (CEDAW/C/5/Add.25) | Fifth (1986) |
| Second periodic report | 19 March 1987 | 2 November 1999 (CEDAW/C/VNM/2) | Twenty-fifth (2001) |
| Third periodic report | 19 March 1991 | 6 October 2000 (CEDAW/C/VNM/3-4) | Twenty-fifth (2001) |
| Fourth periodic report | 19 March 1995 | 6 October 2000 (CEDAW/C/VNM/3-4) | Twenty-fifth (2001) |
| Fifth periodic report | 19 March 1999 | | |
| Sixth Periodic report | 19 March 2003 | | |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| **Yemen** | | | |
| Initial report | 29 June 1985 | 23 January 1989<br>(CEDAW/C/5/Add.61) | Twelfth (1993) |
| Second periodic report | 29 June 1989 | 8 June 1989<br>(CEDAW/C/13/Add.24) | Twelfth (1993) |
| Third periodic report | 29 June 1993 | 13 November 1992<br>(CEDAW/C/YEM/3) | Twelfth (1993) |
| Fourth periodic report | 29 June 1997 | 8 March 2000<br>(CEDAW/C/YEM/4) | Exceptional (2002) |
| Fifth periodic report | 29 June 2001 | January 2002<br>(CEDAW/C/YEM/5) | Exceptional (2002) |
| **Zambia** | | | |
| Initial report | 21 July 1986 | 6 March 1991<br>(CEDAW/C/ZAM/1-2) | Thirteenth (1994) |
| Second periodic report | 21 July 1990 | 6 March 1991<br>(CEDAW/C/ZAM/1-2) | Thirteenth (1994) |
| Third periodic report | 21 July 1994 | 12 August 1999<br>(CEDAW/C/ZAM/3-4) | Twenty-seventh (2002) |
| Fourth periodic report | 21 July 1998 | 12 August 1999<br>(CEDAW/C/ZAM/3-4) | Twenty-seventh (2002) |
| Fifth periodic report | 21 July 2002 | | |
| **Zimbabwe** | | | |
| Initial report | 12 June 1992 | 28 April 1996<br>(CEDAW/C/ZWE/1) | Eighteenth (1998) |
| Second periodic report | 12 June 1996 | | |
| Third periodic report | 12 June 2000 | | |
| Fourth periodic report | 12 June 2004 | | |
| **Reports submitted on an exceptional basis** | | | |
| Bosnia and Herzegovina | | 1 February 1994<br>(oral report; see CEDAW/C/SR.253) | Thirteenth (1994) |
| Democratic Republic of the Congo | | 16 January 1997<br>(oral report; see CEDAW/C/SR.317). | Sixteenth (1997) |

| *States parties* | *Date due*[a] | *Date of submission* | *Considered by Committee (session (year))* |
|---|---|---|---|
| Croatia | | 6 December 1994 (CEDAW/C/CRO/SP.1) | Fourteenth (1995) |
| Rwanda | | 31 January 1996 (oral report; see CEDAW/C/SR.306) | Fifteenth (1996) |
| Federal Republic of Yugoslavia (Serbia and Montenegro) | | 2 December 1993 (CEDAW/C/YUG/SP | Thirteenth (1994) |
| | | 12 February 1994 (oral report; see CEDAW/C/SR.254) | |

---

[a] One year prior to the due date, the Secretary-General invites the State party to submit its report.

[b] Effective 17 May 1997, Zaire was renamed Democratic Republic of the Congo.

# Annex VII

## Report of the Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on its fourth session

1. The Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women held its fourth session from 30 June to 2 July 2004. All members of the Working Group attended. Ms. Hanna Beate Schöpp-Schilling continued to serve as Chairperson of the Working Group.

2. At its first meeting, the Working Group amended and adopted its agenda (see annex).

## I. Summary of discussions

3. The Chief of the Women's Rights Unit of the Division for the Advancement of Women of the Department of Economic and Social Affairs introduced a note by the Secretariat (CEDAW/C/2004/II/WGCOP/WP.1) on steps taken and developments that have occurred since the third session of the Working Group.

4. The Working Group discussed correspondence that had been received by the Secretariat since the Working Group's third session. It was agreed that a note by the Secretariat providing information on the routing of correspondence to and from the petitions team of the Office of the United Nations High Commissioner for Human Rights would be useful.

5. The Working Group encouraged the Secretariat to continue to disseminate information about the communications procedure under the Optional Protocol and suggested further ways of doing so, including through national Bar Associations and the International Federation of Women Lawyers. The Working Group also underlined the importance of organizing training workshops/courses aimed at relevant stakeholders at the national level on the preparation of communications in order to support the submission of well-crafted communications that would facilitate the processing of communications by the Working Group. It further suggested that the Federation of National Institutes on Human Rights be contacted in this connection, including for fund-raising for such activities. Civil society organizations should also be encouraged to support the translation of communications into the official languages of the United Nations.

6. The Working Group discussed rule 64, paragraph 2, of the Committee's rules of procedure, which deals with the question of when the Working Group may declare that a communication is admissible under the Optional Protocol. The Working Group noted that, under this rule, it would not have the authority to declare admissible any communication that referred to a State party of which one member was a national. This was because the rule provides that decisions on admissibility can only be made by the Working Group when it is composed of five members and all of the members so decide. The Working Group observed that the rule does not account for a situation wherein only four members may participate in the decision-

making process because one member is a national of the State party concerned. Rather than suggest an amendment to the rule, which the Working Group considers might be necessary in the long run, the Working Group suggests that the Committee keep the matter pending for the time being. In the meantime, the Working Group would refer admissibility decisions for such cases to the Committee as a whole.

7. The Working Group discussed the elements of article 4, paragraph 2 (e), of the Optional Protocol (the "ratione temporis" rule). The Working Group recognized the importance of this provision of the Optional Protocol and of the case law and practice of other human rights treaty bodies. The Working Group was also of the view that this admissibility criterion will have to be considered on a case-by-case basis.

8. The Working Group was pleased to note that the updated background paper prepared by Ms. Ineke Boerefijn on issues arising under the Optional Protocol to the Convention (CEDAW/C/2004/I/WP.2) had been issued in all official languages of the United Nations. The Working Group considered that the paper would serve as a valuable tool for the Committee's current and future work on communications and emphasized the importance of regularly updating this research as well as undertaking research into other and emerging areas in relation to its work. By the same token, it considered that the background note on the practice of other human rights treaty bodies concerning interim measures (CEDAW/C/2004/I/WGCOP/WP.2), which the Secretariat had prepared for the Working Group's third session in January 2004, would continue to be a relevant and useful document.

9. The Working Group reaffirmed its commitment to continuing its work between sessions. Decisions on registration of new communications would be taken, as appropriate, following consultations, including through e-mail and teleconferencing, as would decisions on draft recommendations prepared by case rapporteurs on pending communications. It reaffirmed its earlier decision on intersessional modalities for e-mail communications. The Working Group believed that this method of work would ensure that the optimal amount of work would be ready to handover to the next Working Group, which would be constituted at the thirty-second session of the Committee in January 2005. The new Working Group will meet for the first time from 31 January to 2 February 2005.

10. The Working Group discussed pending communications, the fourth of which had been registered since its last session. It submitted a recommendation for action on one of those communications to the Committee.

11. The Working Group adopted the provisional agenda for its fifth session, as follows:

1. Adoption of the agenda and organization of work.
2. Review of steps and activities undertaken since the last session.
3. Review and discussion of working methods.
4. Update on communications.
5. Any other matters.
6. Adoption of the provisional agenda for its sixth session, including dates and duration, and the report of the Working Group.

## II. Issues for future consideration

**12. The Working Group draws the attention of the Committee to the discussion outlined in paragraph 6 of the present report.**

# Appendix

## Agenda of the fourth session of the Working Group

1. Adoption of the agenda and organization of work.
2. Review of steps and activities undertaken since the last session.
3. Review and discussion of working methods.
4. Update on communications.
5. Work format between the thirty-first and thirty-second sessions.
6. Other matters.
7. Adoption of the provisional agenda for the fifth session, including dates and duration, and the report of the Working Group.

# Annex VIII

## Decision of the Committee on the Elimination of Discrimination against Women, declaring a communication inadmissible under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

**Communication No.: 1/2003, Ms. B.-J. v. Germany*
(Decision adopted on 14 July 2004, thirty-first session)**

| | |
|---|---|
| *Submitted by*: | Ms. B.-J. |
| *Alleged victim*: | The author |
| *State party*: | Germany |
| *Date of communication*: | 20 August 2002 (initial submission) |

*The Committee on the Elimination of Discrimination against Women*, established under article 17 of the Convention on the Elimination of All Forms of Discrimination against Women,

*Meeting on*: 14 July 2004

*Adopts the following*:

### Decision on admissibility

1. The author of the communication dated 20 August 2002, with supplementary information dated 10 April 2003, is Ms. B.-J, a German citizen of about 57 years of age in April 2004, currently residing in Nörten-Hardenberg, Germany. She claims to be a victim of violations by Germany of articles 1, 2 (a -f), 3, 5 (a and b), 15 (2) and 16 (1.c, d, g and h) of the Convention on the Elimination of All Forms of Discrimination against Women. The author is representing herself. The Convention and its Optional Protocol entered into force for the State party on 9 August 1985 and 15 April 2002, respectively.

*The facts as presented*

2.1 In 1969, the author got married. Although she was a nurse by training, the author and her husband agreed that she would take on the role of homemaker during the marriage and not further her education so as to allow her husband to pursue his career. The author has three grown children, born in 1969, 1970, and 1981.

2.2 The author wanted to continue her education in 1984, but her husband requested her not to do so, and to support him in a period of professional difficulty. By 1998, the author's husband's difficulties were resolved and she again wished to continue her education, but in May 1999 the author's husband applied for a divorce.

---

* Pursuant to rule 60 of the Committee's rules of procedure, Ms. Hanna Beate Schöpp-Schilling did not participate in the examination of this communication. The text of an individual opinion signed by two Committee members, Ms. Krisztina Morvai and Ms. Meriem Belmihoub-Zerdani, is appended.

2.3 In September 1999, in connection with her separation, the author and her husband agreed in a settlement before a family court in Northeim that he would pay her DM 973 per month in separation maintenance, DM 629 per month in child support for their youngest child and DM 720 per month to cover the mortgage on the house in which the author continued to live.

2.4 The divorce became final on 28 July 2000. While the issue of the equalization of pensions was resolved as part of the divorce, no decisions have been reached regarding the equalization of accrued gains and maintenance after termination of the marriage.

2.5 On 10 July 2000, the author submitted a complaint to the Federal Constitutional Court, claiming that statutory regulations regarding the law on the legal consequences of divorce violated her constitutional right to equality protected under articles 3.2 and 3.3 of the Constitution.

2.6 On 30 August 2000, the Federal Constitutional Court decided not to accept the complaint for decision.

2.7 In April 2004, the Court of Göttingen awarded the author a maintenance payment of € 280 per month with retroactive effect to August 2002, the date that the author's husband had stopped payment of separation maintenance. The author has appealed against the decision.

2.8 The author has also written without success to the Federal Ministry of Justice and the Ministry of Justice and of Women's Issues of the Land Niedersachsen on 28 July 2001, 6 February 2002, and 2 March 2002, and on 15 January 2003, 22 February 2003, claiming disregard for marriage and family as well as gender-specific discrimination by the courts of Niedersachsen.

2.9 Proceedings concerning maintenance after divorce, as well as equalization of accrued gains continue.

*The complaint*

3.1 The author alleges that she was subjected to gender-based discrimination under the statutory regulations regarding the law on the legal consequences of divorce (equalization of accrued gains, equalization of pensions, and maintenance after termination of marriage) and that she has since continued to be affected by those regulations. In her view, the regulations systematically discriminate against older women with children who are divorced after long marriages.

3.2 With respect to the issue of accrued gains, the author suggests that, although the law provides that the spouse with the lesser accrued gains receives half the excess of the higher-earning spouse, the law does not take into account the improved or devalued "human capital" of marriage partners. She maintains that this constitutes discrimination, as it results in providing a husband with his wife's unremunerated labour. The author claims that the law relating to reallocation of pension entitlements is similarly discriminatory and that vague, unclear and discriminatory provisions govern the question of maintenance.

3.3 The author furthermore claims more generally that women are subjected to procedural discrimination because the risks and stress of court proceedings to resolve the consequences of divorce are carried unilaterally by women, who are also prevented from enjoying equality of arms. She also claims that all divorced women in situations similar to hers are victims of systematic discrimination, disadvantage and humiliation.

3.4 The author claims that she exhausted all domestic remedies when the Constitutional Court decided not to accept for review her complaint of omission on the part of the legislator to fulfil the Constitution's equal treatment provisions (art. 3.2 and 3.3 of the Constitution) in respect of the statutory regulations regarding the law on the legal consequences of divorce.

*The State party's observations on admissibility*

4.1 By its submission of 26 September 2003, the State party objected to the admissibility of the communication.

4.2 The State party notes that the divorce decree, which the author did not submit with her initial submissions, only contained a decision on pension equalization. No final decision has yet been reached in separate proceedings regarding maintenance after termination of the marriage and equalization of accrued gains. The State party further notes that the author filed a constitutional complaint against the divorce decree and against the law on the legal consequences of divorce, in general, which the Federal Constitutional Court did not accept for adjudication. In the ensuing period, the author repeatedly turned to Federal and State Ministries to achieve an amendment of the statutory regulations.

4.3 As regards relevant legal provisions governing the effects of marriage and of the rights and duties of spouses, as well as those concerning divorce and the legal consequences of divorce, the State party explained that in event of divorce, "accrued gains" are to be equalized, if the spouses live in the statutory marital regime of community of gains. The value of the assets of the spouses at the time of marriage (original assets) and at the time of termination (final assets) is first determined. The "accrued gains" are the amount by which the final assets of a spouse exceed his or her original assets. The spouse with the lower accrued gains is entitled to an equalization claim amounting to one half of the difference in value compared to the accrued gains of the other spouse (Section 1378 BGB). Regulations concerning maintenance after termination of marriage are initially based on self-responsibility of (former) spouses. Following the divorce, the spouses are in principle required to be responsible for their own livelihood. Consequently, maintenance is really only envisaged for certain categories of cases. However, since these prerequisites are regularly met in a large number of divorce cases, the existence of a claim to maintenance tends to be more the rule. The reason for this is the opinion of the legislature that, owing to his or her personal and financial situation, the financially weaker, needy spouse should be able to rely on the post-marital solidarity of the financially stronger, capable spouse. The law also provides under certain circumstances for a maintenance claim for a period of training or education for a spouse who may have omitted to acquire or interrupted formal education or vocational training in the expectation of, or during marriage. Furthermore, the law on equalization of pensions creates the duty of the spouse who acquired greater overall pension entitlements than the other spouse during marriage to equalize by one half of the difference in value.

4.4 According to the State party, the communication is inadmissible for lack of grievance under article 2 of the Optional Protocol as only *victims*, who have to illustrate that they, themselves are directly affected by a violation of the law, can submit claims. An abstract review of constitutionality by means of an individual complaint is inadmissible. The situation could be different if the author were already directly adversely affected by the legal position created by existing legal provisions. However, this is not the case as the law on the legal consequences of divorce still has to be implemented by the courts in regard to the author. The State party submits that the author of a complaint cannot achieve a general and fundamental review of German law on the legal consequences of divorce with her complaint.

4.5 Based on this argument, the State party submits that the author's basis for complaint is her own divorce proceedings; only in this framework can the applied legal provisions relating to the law on the legal consequences of divorce be (directly) reviewed.

4.6 The State party also argues inadmissibility for lack of sufficient substantiation. The lack of concrete information from the author regarding the financial settlements made in the divorce proceedings, the legal basis on which they were reached and whether and to what extent they put her at a financial disadvantage compared to her divorced husband, make it impossible to examine whether and which rights set forth in the Convention were violated in the author's case.

4.7 The State party notes, in particular, non-disclosure of the contents, or submission of the divorce decree, lack of information as to whether, and which legal provisions may have been applied in the author's case and with what financial consequences, lack of information about equalization of pensions and accrued gains, and about the amount of maintenance the author receives after termination of marriage. The State party concludes that the author's claims of being financially disadvantaged by German law on the legal consequences of divorce compared to her divorced husband remain unsubstantiated and that a global reference to studies on the alleged financial disadvantages of divorced women is insufficient in this respect.

4.8 The State party further submits, only by way of precaution and notwithstanding inadmissibility for lack of grievance, lack of exhaustion of domestic remedies, which, in this case, would be the filing, in admissible fashion, of a constitutional complaint. While the author filed a constitutional complaint against the law on the legal consequences of divorce in general, according to the Supreme Federal Constitutional Court Act (section 93, para. 3), a complaint directly against a law can only be filed within one year of the law entering into force, making the author's constitutional complaint against the law in general inadmissible for this reason alone.

4.9 The State party also submits that only the issue of equalization of pensions has been settled so far in conjunction with the divorce. The author restricted her appeal against the divorce decree solely to the pronouncement of the divorce itself, omitting to also make the equalization of pensions the subject of the review by the appellate court (Oberlandesgericht Braunschweig). This would have been admissible and could have been reasonably expected of the author. Failure to lodge a required and reasonable appeal must result in inadmissibility of a complaint pursuant to article 4.1 of the Optional Protocol.

4.10 As regards inadmissibility *ratione temporis*, the State party submits that the facts that are the subject of the complaint occurred prior to the entry into force of the Optional Protocol for the Federal Republic of Germany. In this regard, the State party submits that since the divorce proceedings alone are the subject of the complaint and a final and conclusive decision has so far only been reached on the equalization of pensions in conjunction with the divorce, the decisive point for inadmissibility *ratione temporis* is the time at which this decision became final, i.e. on 28 July 2000. The Optional Protocol entered into force for Germany on 15 April 2002.

*The author's comments on the State party's observations on admissibility*

5.1 The author submits that the State party's explanation of relevant legal provisions governing the effects of marriage and of the rights and duties of spouses, as well as those concerning divorce and the legal consequences of divorce, fail to describe the continuous discrimination and disadvantage of persons who are entitled to equalization in divorce proceedings, who, as a rule, are women. She notes that, in Germany, social structures ensure that men, as a rule, advance professionally during marriage, while women have to interrupt their careers and professional advancement because of their continuing main responsibility for the family and the raising of children, thus putting them at a striking disadvantage, especially after separation or divorce. These fundamental societal, familial and marital realities, as well as their differential consequences after divorce are however, not sufficiently, or not at all, accounted for in the law on the legal consequences of divorce, to the disadvantage of women. This is particularly the case for divorced older women who have deferred their own career plans during marriage.

5.2 The author also submits that enforcement of claims upon divorce is rendered extremely difficult because courts commonly ignore marital agreements and family situations to the detriment of women, and equalization provisions are made dependent upon women's proper behaviour during marriage and after divorce, subjecting women to rigid social control by the divorced husband and the courts. Inappropriate behaviour by a husband, on the other hand, is not subject to any kind of sanction. The author argues that such discrimination and disadvantage of divorced women is only possible because of insufficient and vague legislation.

5.3 The author rejects the State party's argument with respect to inadmissibility for lack of grievance by noting that since her divorce, she continues to be personally and directly affected by the law on the legal consequences of divorce. She maintains that she is affected not only by the decisions of the family court, but by the discrimination in the court proceedings resulting especially from an omission by the legislator to regulate the consequences of divorce in accordance with article 3.2 of the Constitution, in a manner in which no discrimination or disadvantage occurs. In this regard, her constitutional complaint was directed specifically against an "omission on the part of the legislator".

5.4 On the issue of lack of sufficient substantiation, the author submits that, while she had quoted statistics and expert opinions in her constitutional complaint and also in her submissions to ministries, the insufficient legislative provisions and court practice and the resulting discrimination against women were borne out by her personal situation as a divorced woman. The author maintains that she has given a concrete account of her fundamental material disadvantage. Had she not deferred to family responsibilities and her husband's needs, she would have been able to achieve her own income in the amount of euro 5,000 per month, with a commensurate old age pension.

5.5 The author states that the concrete *equalization* of pension payments reached in a divorce is irrelevant as the discriminatory disadvantages only start, and continue, after divorce. In her concrete case, since her husband's filing for divorce in May 1999, the 500 euro/months for her old age pension had stopped. Had she not deferred to her husband's or family's needs, between 47,000 (had she remained married) and 94,000 euro (in case of her own income) would have been made towards her old age pension.

5.6 With respect to exhaustion of domestic remedies, the author maintains that her constitutional complaint was directed against the legal consequences of divorce because articles 3.2 and 3.3 of the Constitution had been infringed in her very personal case, and was not solely directed *in general* against the legal consequences of divorce. Her complaint had not been directed "in general" against a law, but rather against the discrimination contained therein and the omission of the legislator to eliminate such discrimination and the disadvantage experienced by divorced women, and from which she was directly affected.

5.7 She notes that the constitutional complaint was admissible and thus, she exhausted domestic remedies. Her complaint concerning the legal consequences of divorce had not been rejected as "inadmissible" or "unfounded" but rather had not been accepted for decision. The author further submits that article 93 of the Federal Constitutional Court Act does not establish a statute of limitations in regard to omissions by the State. In support of her argument, the author refers to a decision of the Federal Constitutional Court (BverfGE 56, 54, 70) that constitutional complaints concerning continuing omission on the part of the legislator do not necessarily require prior use of legal remedies and do not require adherence to the statute of limitations provided for in article 93.2 of the Federal Constitutional Court Act. In addition, she submits that her Constitutional complaint against the law on the legal consequences of divorce was admissible also without prior exhaustion of legal remedies in accordance with article 90.2, second sentence, of the Federal Constitutional Court Act, because of the general importance and the fundamental constitutional questions posed.

5.8 The author further submits that her requests for financial assistance to cover legal proceedings had been denied to her in several instances, because of a lack of prospects to prevail in such proceedings, and the courts had not taken into consideration family and marital facts. Without such assistance she was prevented from using domestic remedies because of financial constraints. Lastly, while divorce proceedings are dealt with very expeditiously by courts, proceedings on the legal consequences of divorce take forever when women claim equalization payments. This was also true in her case where she had tried to obtain, since September 2001, the relevant information from her divorced husband to calculate maintenance after termination of marriage, leading to her filing a suit in August 2002 to obtain such information. These proceedings had not yet resulted in obtaining the required information.

5.9 The author reiterates that by August 2003, there was no Court decision concerning maintenance after termination of marriage. While she had received monthly maintenance payments of 497 euro 497, these were no longer paid as of August 2002, after a lengthy and difficult court procedure that went against her. The author submits that, while she has appealed against this decision, she has no hope that the courts would be considering her concerns. She estimates that, had she completed her studies and focused on her career instead of supporting her husband and caring for the family, she would today be able to earn as much income as her husband, i.e., 5,000 euro per month.

5.10 As regards the State party's arguments concerning inadmissibility *ratione temporis*, the author notes that, while the divorce decree became final in July 2000, she continues to be directly affected by the discriminatory provisions of the law on the legal consequences of divorce. The steps she took — constitutional complaint and interventions with ministries — did not lead to results. Likewise, she continues to experience discrimination, disadvantage and humiliations by the courts.

*Additional comments of the State party on admissibility pursuant to a request of the Working Group*

6.1 According to the State party, the author's general constitutional complaint against the law on the consequences of divorce of 10 July 2000 had been inadmissible on the whole for several reasons.

6.2 The State party submits that, according to Section 93, para. 3, of the Federal Constitutional Court Act a constitutional complaint immediately directed against an Act may only be lodged within one year following its entry into force. This preclusive time limit serves the purpose of legal security. Failure to observe the deadline, as in the case of the constitutional complaint (file no. 1 BvR 1320/00) generally filed by the author against the "law on the consequences of divorce" on 10 July 2000, will render the constitutional complaint inadmissible. The Federal Constitutional Court will not accept an inadmissible constitutional complaint for adjudication.

6.3 The State party disagrees with the author's argument that the deadline of Section 93, para. 3, of the Federal Constitutional Court Act is not applicable because her constitutional complaint is aiming at an omission by the legislator. An omission does not already exist when certain demands are not met or are not met to the desired extent. Rather, the decisive factor is the legislator's consideration of these demands. In the law on the consequences of divorce the legislator has stipulated numerous legal provisions which, from his point of view are sufficient, adequate and appropriate. Regulations exist for the respective situations of life. It is not relevant that the author considers these regulations to be an infringement of Article 3, paras. 2 and 3, of the Basic Law for the Federal Republic of Germany because of, in her view, insufficient consideration of matrimonial and family work, and thus does not constitute a case of omission.

6.4 The State party furthermore argues that her constitutional complaint generally directed against the "law on the consequences of divorce" of 10 July 2000 had already been inadmissible for other reasons. As a prerequisite for an examination of whether the deadline of Section 93, para. 3, of the Federal Constitutional Court Act has been met, an applicant has to state first against which actual provision, i.e. against which paragraph and which subparagraph his or her complaint is directed. This is not the case in the author's constitutional complaint of 10 July 2000 which does not refer to particular sections, paragraphs or subparagraphs of the Civil Code as infringements of the Constitution, nor does it indicate the number of provisions complained about, thus making her constitutional complaint inadmissible.

6.5 In addition, the State party asserts that the prerequisites of Section 90 of the Federal Constitutional Court Act had also not been fulfilled. Pursuant to Section 90, para. 1, of the Federal Constitutional Court Act anyone may lodge a constitutional complaint on the assertion that he or she has been violated in his or her fundamental rights or in one of the rights granted by Article 20, para. 4, Articles 33, 38, 101, 103 and 104 of the Basic Law for the Federal Republic of Germany by the public authority. Section 90, para. 2, of the Federal Constitutional Court Act furthermore states that the constitutional complaint may only be filed when recourse to the courts has been taken — as far as this is admissible in case of an infringement of rights. If recourse to the courts can be taken, these legal remedies have to be exhausted, i.e. recourse must be had to all instances. This requirement of exhaustion of legal remedies and thus the principle of subsidiarity applies particularly to constitutional complaints against legal provisions. A constitutional complaint is not a general action. It cannot be lodged by anybody but only by someone who asserts that his or her rights protected by Section 90 of the Federal Constitutional Court Act have been violated by the public authority.

6.6 The State party consequently notes that, exceptionally, a legal provision can only be directly contested with a constitutional complaint if the applicant himself or herself is currently and immediately — and not by means of an act of enforcement — affected by this provision. In order to determine whether and to what extent an Act and/or a concrete provision affects the individual citizen, the concrete case first has to be subsumed under a specific legal provision for decision by a court. This also applies to the author in regard to the law on the consequences of divorce which she complains is not consistent with fundamental rights. For this reason as well, and irrespective of whether the deadline of Section 93, para. 3, of the Federal Constitutional Court Act had been observed, the author could not lodge a general constitutional complaint against the law on the consequences of divorce. She would first have had to take action to obtain a decision by the competent specialist courts concerning the different consequences of divorce such as post-marital spousal support, pension sharing and equalization of accrued gains. Only subsequently is it admissible to lodge a constitutional complaint based on the assertion that the concrete provisions of the law on the consequences of divorce applied by the courts are infringing Article 3, paras. 2 and 3, of the Basic Law. In the latter case, a deadline of one month following the service, pronouncement or communication of the decision at last instance applies pursuant to Section 93, para. 1, of the Federal Constitutional Court Act.

6.7 The State party submits that a final decision has still not been reached in the legal proceedings before the family court initiated by the author for post-marital spousal support (Local Court of Göttingen, file no. 44 F 316/02). In the main proceedings for post-marital spousal support, the author has been granted legal aid and is represented by attorney. The court is still to reach a decision on the amount of support to be paid to the author. The author may file an appeal against this decision. Only then can it be considered to bring the matter to the Federal Constitutional Court.

6.8 The State party submits that the proceedings concerning the equalization of accrued gains are at the stage of consideration of the author's application of 8 September 2003 for legal aid and assignment of an attorney-at-law for the litigation. This application remains pending due to subsequent motions of the author seeking disqualification of the judge on grounds of conflict of interest in the proceedings for spousal support. The author has also remonstrated against the decision of the Higher Regional Court of Braunschweig of 11 February 2004, on which the latter still has to decide.

6.9 The State party concludes that domestic legal remedies had not yet been exhausted when the author lodged a general constitutional complaint against the law on the consequences of divorce on 10 July 2000. Also for this reason the constitutional complaint had been inadmissible.

6.10 The State party lastly argues that it is not sufficient merely to quote scientific publications to justify a constitutional complaint, and to maintain in general, as the author did, that the equalization of accrued gains as such or the pension sharing and/or the law on spousal support as such would be contrary to the Constitution.

6.11 The State party emphasized that the author's constitutional complaint against the law on the consequences of divorce of 10 July 2000 was inadmissible in general for the above-stated reasons. Since only a complaint of unconstitutionality lodged in a lawful manner fulfils the prerequisites for exhaustion of legal remedies, the author's communication is inadmissible pursuant to article 4, para. 1, of the Optional Protocol.

6.12 The State party lastly recalls the other reasons set forth in its original submission to declare the communication inadmissible.

### *Additional comments of the author on admissibility*

7.1 In regard to the divorce proceedings in first instance in 1999 (Amtsgericht Northeim), the author recalls that the divorce judgement of 10 November 1999 also included the equalization of pensions, a legal requirement in accordance with article 1587 of the Civil Code, on the basis of a formula described in her earlier submission. The author reiterates that this presumably "just equalization" is deeply unjust, unbalanced and discriminatory as it does not take into account the post-marital consequences of the division of labour and of understandings reached during marriage. In her concrete case, her divorced husband will reach a pension that will be significantly above the amount determined by the equalization of pensions. On the other hand, there were serious doubts whether, when and to what degree she will be able to obtain the determined amount.

7.2 The author further submits that notwithstanding her repeated urgings, the questions of post-marital support and of equalization of accrued gains were dealt with neither in the divorce judgement nor in her appeal against the divorce, which the appellate court (Oberlandesgericht Braunschweig) denied on 23 May 2000. This was the case as certain private commitments and marital agreements concerning her material, social and old-age security had been handed over by the Family Court to the Civil Court for decision. The author asserts that the justifications of the Family Court of first instance as well as of the appellate court in her divorce show that the organs of Justice simply and solely take into consideration, and favour, the views and interest of the male spouse who files for divorce.

7.3 The author, in regard to her constitutional complaint with decision of 30 August 2000, refers to her extensive earlier submissions and confirms that the discriminatory nature of the legal consequences of divorce continues to exist.

7.4 In regard to the exhaustion of remedies, the author asserts that contrary to the State's views, it was not necessary to file a distinct separate appeal against the equalization of pensions as such equalization is part of the divorce judgement. Contrary to the State party's assertion, such a separate appeal was, according to the established jurisprudence of the Constitutional Court, neither necessary nor expected, as the statutory equalization of pensions is, according to article 1587 of the Civil Code, an "unambiguous legislative provision", and a repeal of the divorce would automatically also have resulted in a repeal of the equalization of pensions. Thus, the author asserts that her constitutional complaint was admissible and justified also against the statutory equalization of pensions without prior exhaustion of remedies in the lower courts. The Constitutional Court's decision not to accept for decision her complaint also included part B of her complaint, i.e. the complaint against the statutory equalization of pensions. The author reiterates that her constitutional complaint was not directed generally against the legal consequences of divorce but rather against the omission of the legislator to eliminate those elements that were discriminatory and disadvantageous to divorced women. As a result, the author submits that her complaint is admissible also in relation to the statutory equalization of pensions in accordance with article 4.1 of the Optional Protocol as domestic remedies were exhausted with the admissible constitutional complaint, which was, however, not accepted for decision.

7.5 The author submits that, contrary to the State's assertions, in regard to her constitutional complaint of violation of articles 3.2 and 3 of the Constitution, exhaustion of remedies through the courts was not necessary for reasons that article 3.2 clarified the explicit instruction of the Constitution concerning the content and scope of the legislator's duty to legislate. Furthermore, prior exhaustion of remedies was also not necessary as her constitutional complaint raised issues of general relevance and fundamental constitutional issues, in accordance with article 90.2 of the BVerfGG. The author reiterates that her complaint is admissible under article 4.1 of the Optional Protocol as the exhaustion of remedies through the courts was not necessary, and domestic remedies had been exhausted with the admissible constitutional complaint which had, however, not been accepted for decision.

### *Issues and proceedings before the Committee concerning admissibility*

8.1 In accordance with rule 64 of its rules of procedure, the Committee shall decide whether the communication is admissible or inadmissible under the Optional Protocol.

8.2 In accordance with rule 66 of its rule of procedure, the Committee may decide to consider the question of admissibility and merits of a communication separately.

8.3 The Committee has ascertained that the matter has not already been or is being examined under another procedure of international investigation or settlement.

8.4 The Committee considers that the facts that are the subject of the communication concern the consequences of divorce, i.e. in particular with regard to equalization of accrued gains, equalization of pensions, and maintenance after termination of marriage. It notes that divorce proceedings were initiated by the author's husband in May 1999. It also notes that the divorce, itself, became final together with the matter of the equalization of pensions on 28 July 2000, that is, prior to the entry into force of the Optional Protocol in respect of the State party on 15 April 2002. Considering that the author has not made any convincing arguments that would indicate that the facts, insofar as they relate to the equalization of pensions, continued after this date, the Committee considers that, in accordance with article 4, paragraph 2 (e), of the Optional Protocol, it is precluded *ratione temporis* from considering the part of the communication that relates to the equalization of pensions.

8.5 Furthermore, with regard to the issue of the equalization of pensions, the Committee notes the State party's argument that the author restricted her appeal against the divorce decree solely to the pronouncement of the divorce itself and did not make the equalization of pensions the subject of a review by an appellate court. The Committee also notes the author's contention that a successful appeal of the divorce decree would automatically have repealed the equalization of pensions as this element is a mandatory part of the divorce decree. The Committee considers that notwithstanding the mandatory resolution of the equalization of pensions in divorce decrees, the author could reasonably have been expected to include a specific appeal on the issue to the appellate court, as well as in her constitutional complaint. It concludes that the author has thereby not exhausted domestic remedies concerning the issue of the equalization of pensions. This part of the communication is therefore inadmissible also under article 4, paragraph 1, of the Optional Protocol.

8.6 The Committee further notes that the author's complaint was rejected by the Federal Constitutional Court and, in this connection, relies on the State party's explanation that the filing was carried out in an inadmissible manner for several reasons, including because the complaint was time-barred. The Committee is not persuaded by the author's argument that her constitutional complaint was filed in an admissible manner as a complaint of omission on the part of the legislator to eliminate discriminatory elements of the legislation by which she was personally affected — rather than a general complaint about the legal consequences of divorce. The Committee therefore concludes that the improperly filed constitutional complaint of 10 July 2000 cannot be considered an exhaustion of domestic remedies by the author.

8.7 The Committee notes that separate proceedings regarding both the equalization of accrued gains and maintenance after termination of marriage have not yet been settled definitively. In light of the fact that the author has not denied that this was the case nor argued persuasively for the purpose of admissibility that the proceedings have been unreasonably prolonged or are unlikely to bring relief, the Committee considers that these claims are inadmissible under article 4, paragraph 1, of the Optional Protocol.

8.8 The Committee therefore decides:

(a) That the communication is inadmissible under article 4, paragraph 1, for the author's failure to exhaust domestic remedies, and paragraph 2 (e), because the disputed facts occurred prior to the entry into force of the Optional Protocol for the State party and did not continue after that date;

(b) That this decision shall be communicated to the State party and to the author.

## Appendix

### Individual opinion of Committee members Krisztina Morvai and Meriem Belmihoub-Zerdani (dissenting)

In our view, the author's communication is partly admissible. While I agree with the majority that the claim concerning the divorce and equalization of pensions decision of 28 July 2000 is inadmissible *ratione temporis* I believe that the separate claim regarding the ongoing proceedings concerning the issues of accrued gains and spousal maintenance in fact do meet all admissibility criteria.

In the majority's view, the separate claims (regarding the alleged violations of the Convention in relation to substantive and procedural aspects of the equalization of accrued gains and of post-divorce maintenance) are inadmissible due to the lack of exhaustion of domestic remedies (Article 4.1).

In accordance with the Optional Protocol as a general rule all available domestic remedies have to be exhausted, "*unless the application of such remedies is unreasonably prolonged or unlikely to bring effective relief*".

In our view, the domestic proceedings must be evaluated on a case-by-case basis regarding their "unreasonably prolonged" character.

In the present case, proceedings concerning spousal maintenance and accrued gains have been ongoing for about five years. (According to para. 7.2 of the Committee's decision on admissibility the author submitted that "notwithstanding her repeated urgings, the questions of post-marital support and of equalization of accrued gains were dealt with neither in the divorce judgement nor in her appeal against the divorce, which the appellate court/Oberlandesgericht Braunschweig/ denied on 23 May 2000". According to the State party's observations on admissibility, summarized in paragraph 4.2 of the Committee's decision, "No final decision has yet been reached in separate proceedings regarding maintenance after termination of the marriage and equalization of accrued gains".) Even though in April 2004, the Court of Göttingen awarded the author a maintenance payment of 280 euros per month, with retroactive effect to August 2002 (see para. 2.7 of the decision of the Committee), the decision regarding maintenance is still not final, due to the author's appeal. Similarly, no final decision has been reached in the equalization of accrued gains case. Two years of these ongoing proceedings period follow the ratification of the Optional Protocol by the State party.

Indeed, there might be cases and situations where the same length of time could not be considered "unreasonably prolonged". However, in the present situation the subject matter of the proceedings is basically *the determination and granting of the financial/material sources of the survival of the author*. Ms. B.-J. is now 57 years old, she was 52 when her husband divorced her after three decades of marriage. The author, as so many women in the world, devoted her whole adult life to unpaid work in the family, while her husband, on whom she was therefore financially dependent, had advanced his career and his income. According to the submissions of the author her financial situation is deeply uncertain, to say the least. There are times when she receives some maintenance, and there are times when she does not receive anything. (In the meantime, the former husband, who successfully capitalized the 30 years of unremunerated work of the author, apparently has an income of about 5,000 euros per month, a very good salary (see decision of the

**Committee, para. 5.9, final sentence)). The applicant, who has no work experience outside the home and the family and who is considered to be an "older woman", has very little chance to enter the labour market and to support herself financially. It is sad and shameful that following the upbringing of three children and a lifetime of work in the home she has to live without a regular, reliable income, even five years after the divorce that took place against her will. In these circumstances, the domestic courts should have determined and granted a decent maintenance for her a long time ago. A legal and judicial system that is able to finalize contested divorce proceedings following three decades of marriage in just one year would be able to finalize post-divorce maintenance (and accrued gains) proceedings with similar speed and efficiency. For an older woman who raised three children and worked for the benefit of her spouse for three decades living in such uncertainty five years after the divorce is rightly considered to be unacceptable and a serious violation of her human rights in and of itself.**

**In our opinion it follows that under all the circumstances of the case the application of domestic remedies is *unreasonably prolonged*. Moreover, it follows that the general rule in article 4.1 concerning the need to exhaust all domestic remedies does not apply here, instead the "unreasonable prolongation" exception to the rule applies.**

(*Signed*) Krisztina **Morvai**

(*Signed*) Meriem **Belmihoub-Zerdani**

# Annex IX

## Request for extension of the meeting time of the Committee on the Elimination of Discrimination against Women

## Programme budget implications of draft decision 31/I submitted in accordance with rule 23 of the rules of procedure of the Committee on the Elimination of Discrimination against Women

### A. Requests contained in the draft decision

1. By its draft decision 31/I, the Committee on the Elimination of Discrimination against Women (CEDAW) would request the General Assembly to: (a) authorize the Committee to meet for an additional week at its thirty-third, thirty-fourth and thirty-fifth sessions (July 2005; January and July 2006); and (b) authorize the Committee to hold three annual sessions of three weeks each, with a one-week pre-sessional working group for each session, effective from January 2007.

### B. Relationship of the proposed decision to the medium-term plan for the period 2002-2005, and the programme of work for the biennium 2004-2005

2. The activities to be carried out relate to: programme 6, General Assembly and Economic and Social Council affairs and conference services; subprogramme 2, Gender issues and advancement of women of programme 7, Economic and social affairs; and subprogramme 4, Support services of programme 24, Management and central support services of the medium-term plan for the period 2002-2005. They fall under: section 2, General Assembly affairs and conference services; section 9, Economic and social affairs; and section 29D, Office of Central Support Services of the programme budget for the biennium 2004-2005.

3. Provisions have been made in the 2004-2005 programme budget for travel and per diem costs of the 23 members of CEDAW to attend its two annual regular sessions in New York of 15 working days each, with each preceded by a five-day pre-session working group meeting, as well as for conference services to the Committee and the pre-session working group.

### C. Activities by which the proposals will be implemented

4. Should the draft decision be adopted, provisions for a total of 70 additional meetings (10 in 2005, 20 in 2006 and 40 in 2007) would be required. The additional meetings of the Committee would require interpretation services in the six official languages while the additional one-week pre-sessional working group meeting in 2007 would require interpretation services only in English, French and Spanish. Summary records would be provided for the 60 additional meetings of the Committee. For the thirty-third, thirty-fourth and thirty-fifth sessions of the Committee, due to the proposed one-week extension, each would require an

additional 50 pages of in-session and 30 pages of post-session documentation in the six languages. For the thirty-sixth session of the Committee in 2007, there would be an additional 150 pages each of in-session and post-session documentation in the six languages. For the one-week session of the pre-sessional working group, there would be 10 pages of in-session documentation in English, French and Spanish only and 90 pages of post-session documentation in the six languages.

## D. Additional requirements for the biennia 2004-2005 and 2006-2007

5. Should CEDAW adopt the draft decision, additional resources estimated at $62,000 for per diem costs for the members of the Committee in relation to the extension of its thirty-third session in the year 2005 would be required under section 9 of the programme budget for the biennium 2004-2005. With respect to the extension of its thirty-fourth and thirty-fifth sessions in the year 2006 and the holding of three annual sessions of three weeks each, with a one-week pre-sessional working group for each session, effective from January 2007, the decision would give rise to additional requirements for travel and per diem of $124,000 and $287,100, respectively, which will be included in section 9 of the proposed programme budget for the biennium 2006-2007. Furthermore, additional conference-servicing costs are estimated at $255,000 for 2005, $522,000 for 2006 and $1,067,000 for 2007 under section 2; and $24,000 for 2005, $50,000 for 2006 and $103,000 for 2007 under section 29D, with the requirements for 2006 and 2007 also to be included in the proposed programme budget for 2006-2007.

6. The above requirements relating to the additional meetings of the Committee and the pre-sessional working group are enumerated in the table below:

| | *2005*<br>*$* | *2006*<br>*$* | *2007*<br>*$* |
|---|---|---|---|
| **I. Section 9, Economic and social affairs** | | | |
| Travel, per diem and terminal expenses | 62 000 | 124 000 | 287 100 |
| **II. Section 2, General Assembly affairs and conference services** | | | |
| Meeting servicing, interpretation and documentation | 255 000 | 522 000 | 1 067 000 |
| **III. Section 29D, Office of Common Support Services** | | | |
| Support services | 24 000 | 50 000 | 103 000 |
| **Grand total** | **341 000** | **696 000** | **1 457 100** |

## E. Contingency fund

7. It will be recalled that, under the procedures established by the General Assembly in its resolutions 41/213 of 19 December 1986 and 42/211 of 21 December 1987, a contingency fund is established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the programme budget. Under this procedure, if additional expenditures were proposed that exceed the resources available from the contingency fund, the activities concerned would be implemented only through the

redeployment of resources from low-priority areas or modification of existing activities. Otherwise, such additional activities would have to be deferred to a later biennium.

## F. Summary

8. **Should draft decision 31/I be adopted by the Committee on the Elimination of Discrimination against Women, additional resources totalling $341,000 would be required under section 9, Economic and social affairs ($62,000), section 2, General Assembly affairs and conference services ($255,000) and section 29D, Office of Common Support Services ($24,000) of the programme budget for the biennium 2004-2005. This would represent a charge against the contingency fund, and as such, would require an increase in appropriations for the biennium 2004-2005.**

9. **The requirements for $696,000 for 2006 and $1,457,100 for 2007 would be taken into account in the preparation of the proposed programme budget for 2006-2007.**

# Annex X

## Overview of the current working methods of the Committee on the Elimination of Discrimination against Women

### I. Introduction

1. Since its first session, in 1982, the Committee has made a concerted effort to develop appropriate working methods. These methods continue to evolve.

2. The present overview is designed to update States parties and others interested in the implementation of the Convention, including United Nations organizations, programmes and funds and civil society organizations, on the current methods of the Committee.

### II. Guidelines for reporting by States parties

3. The Committee has adopted reporting guidelines to assist States parties in the preparation of initial and subsequent periodic reports.[a] The Committee strongly encourages all States parties to submit reports in accordance with these guidelines. This will reduce the need for the Committee to request further information when it considers a report and will help the Committee to consider the situation regarding women's human rights in every State party on an equal basis. The Committee keeps these guidelines under review and updates them as appropriate.

4. Reports should be as concise as possible. Initial reports should be no more than 100 pages long and should deal specifically with every article of the Convention. Periodic reports should be no more than 70 pages long and generally should focus on the period between the consideration of the previous report and the current report, using the concluding comments on the previous report as their starting point and highlighting new developments. The State party may attach annexes, although these will not be translated. Where a State party has prepared a core document,[b] this will be available to the Committee.

5. The Committee recommends that States parties consult national non-governmental organizations in the preparation of their reports. It requests that reports of States parties describe the situation of non-governmental organizations and women's associations and their participation in the implementation of the Convention and the preparation of the report.

### III. Consideration of reports of States parties by the Committee

6. The Committee usually invites eight States parties to present their reports at each three-week session. In making the selection, the Committee gives preference to reports that have been pending for the longest time, prioritizes initial reports and considers a balance of reports in terms of geographic and other factors. The Committee usually selects the reports two sessions in advance of consideration and considers a mix of initial and periodic reports at each session.

## A. Pre-session working group

7. A pre-session working group of the Committee, with the support of the secretariat, draws up short lists of issues and questions with regard to reports which the Committee will consider at its next session, focusing on major areas of concern in regard to the implementation of the Convention by the States parties concerned. The lists of issues and questions are intended to facilitate the preparations by States parties for constructive dialogues with the Committee, to provide a focus for the dialogue with representatives of the reporting States and to improve the efficiency of the reporting system.

8. In order to provide the States parties with the lists of issues and questions well in advance, the pre-session working group meets for five days (in closed meetings) after the session prior to the one at which the reports will be considered. The working group is normally composed of five members of the Committee, taking account of the desirability of a balanced geographical distribution and other relevant factors.

9. Representatives of the specialized agencies and bodies of the United Nations system, as well as national and international non-governmental organizations, are invited to provide country-specific information to the pre-session working group on those States parties whose reports are before the group.

10. The lists of issues and questions are promptly sent to the States parties concerned, usually within a week after the pre-session working group concludes its work. States parties are invited to provide their responses within six weeks thereafter. The lists of issues and questions, together with the responses from States parties, are circulated to members of the Committee prior to the session at which the reports are to be examined.

11. A State party's reply to the list of issues and questions should be short, precise and to the point and should not exceed the page limit of 25 to 30 pages (Times New Roman type, 12 point font single-spaced). State parties have the possibility of attaching a limited number of additional pages of statistical data only.

## B. Constructive dialogue

12. The Committee intends its consideration of a report to take the form of a constructive dialogue with representatives of the reporting State, the aim of this dialogue being to improve the situation pertaining to Convention rights in that State. Therefore, not only are representatives of the reporting States entitled to be present, but indeed their presence and participation are necessary at the meetings of the Committee when their countries' reports are examined.

13. In general, the Committee devotes two open meetings (of three hours each) to its consideration of initial reports. Representatives of the State party are invited to make introductory comments for a maximum of 30 minutes. Consideration of initial reports proceeds on an article-by-article basis, with the exception of articles 1 and 2, 7 and 8, and 15 and 16, which are considered as clusters. A group of questions posed by experts posed by experts is followed by the State party's responses, followed by another group of questions and responses until all articles have been covered. Experts have the possibility to include any general observations with their questions

on articles 1 and 2. The method for consideration of initial reports is also used in cases where an initial report is combined with one or more subsequent periodic reports.

14. Representatives of States parties presenting periodic reports are invited to make introductory comments for a maximum of 30 minutes. In the consideration of periodic reports, questions by experts are then clustered in accordance with the four substantive parts of the Convention, namely part I: articles 1 to 6; part II: articles 7 to 9; part III: articles 10 to 14; and part IV: articles 15 to 16. After several experts pose questions under a cluster, the State party is given an opportunity to respond; the next round of questions and answers follows until all clusters have been covered. Experts seek to avoid duplicating questions and intervening under each cluster and also seek to focus on issues identified by the pre-session working group. In general, the Committee devotes two open meetings to its consideration of periodic reports.

15. During the constructive dialogue, the Committee appreciates careful time management on the part of the State party, and precise, short and direct responses to questions asked. It expects the State party to clearly indicate when a response to a question cannot be provided. Lack of, or inadequate replies to questions raised may result in follow-up questions at the end of the dialogue, and may be reflected in the concluding comments.

16. In cases where reports and/or responses to the list of issues and questions exceed the page limits indicated in the Committee's guidelines and decisions, the Chairperson raises this aspect during the constructive dialogue. This concern may also be reflected in the concluding comments. Some flexibility will be applied in regard to initial reports.

17. Interventions by experts during the constructive dialogue are limited to three minutes. The time limit is monitored by a speech timer but is enforced flexibly. While the Committee does not yet have a formal follow-up procedure for its concluding comments, it routinely asks States parties about the steps taken to follow up on the concluding comments adopted following consideration of the State party's previous report.

18. The Committee does not, at this stage, consider a report in the absence of representatives of a State party. It will, however, consider implementation of the Convention by a State party, in the absence of a report, but only as a measure of last resort, in the presence of a delegation, and on a case-by-case basis. Before deciding to proceed to consideration in the absence of a report, the Committee will notify the State party concerned of its intention to take up implementation of the Convention at a designated future session and invite that State party to submit the requested report before the designated session.

19. The Committee is of the view that it may sometimes be necessary to request exceptional reports from States parties under article 18, paragraph 1 (b), of the Convention. Such exceptional reports would aim to obtain and examine the information on an actual or potential violation of women's human rights, where there is special cause for concern about such violation.

20. Individual members of the Committee refrain from participating in any aspect of the consideration of the reports of the States of which they are nationals in order to maintain the highest standards of impartiality, both in substance and appearance.

## Concluding comments

21. The Committee adopts concluding comments on the reports of States parties that it considers. For this purpose, the Committee holds a closed meeting after the constructive dialogue with each State party to consider the main issues to be reflected in the concluding comments for that State. The member of the Committee designated as the country rapporteur for the report(s) of that State party then prepares, for the consideration of the Committee, a draft of the concluding comments, with the general rapporteur of the Committee and with the support of the secretariat. The Committee discusses the draft concluding comments in closed meetings.

22. Concluding comments usually follow a standard format under the headings referred to below. The introduction usually indicates whether the report complied with the Committee's reporting guidelines; refers to any reservations to the Convention entered by the State party; notes the level of the delegation and the quality of the dialogue; and indicates whether the report mentions implementation of the Beijing Platform for Action and/or the twenty-third special session of the General Assembly. A section on positive aspects is generally organized in accordance with the order of the articles of the Convention. A section on factors and difficulties affecting the implementation of the Convention is included only in the most exceptional circumstances. The last section of the concluding comments, on principal areas of concern and recommendations, is presented in the order of importance of the particular issues to the country under review and provides concrete proposals from the Committee on the concerns identified.

23. All concluding comments include a recommendation relating to dissemination, requesting the wide dissemination of the concluding comments in the State party concerned, and also a paragraph requesting that information be included in the State party's next periodic report on the implementation of aspects of outcomes of United Nations conferences, summits and special sessions of review. They also note that States parties' adherence to the seven major international human rights instruments enhances women's enjoyment of their human rights in all spheres of life, and encourage States to consider ratifying those to which they are not yet party. The concluding comments also set out the date when the State party's next periodic report is due.

24. The Committee's concluding comments are preceded by a summary of the State party's introductory statement to the Committee. This factual summary is prepared by the secretariat.

25. Each concluding comment is internally balanced, and the Committee strives to achieve consistency and balance, particularly in terms of praise and expressions of concern, among the concluding comments elaborated at each session.

26. The concluding comments are transmitted to the State party concerned promptly after the close of the session. They are then made available to all interested parties and included in the Committee's annual report to the General Assembly. They are also made available on the web site of the Division for the Advancement of Women and distributed through the listserve on treaty body recommendations administered by the Office of the United Nations High Commissioner for Human Rights.

## IV. Strategies to encourage reporting by States parties

27. The Committee has adopted a number of measures to address the challenges posed to the treaty monitoring process by the significant number of outstanding and overdue reports. On an exceptional basis and as a temporary measure in order to encourage States parties to fulfil their reporting obligations under article 18 of the Convention as well as to address the backlog of reports awaiting consideration, States parties are invited to combine all their outstanding reporting obligations into a single document. The Committee's Chairperson also sends reporting reminders to States parties whose initial reports are more than five years overdue. United Nations and other entities are encouraged to provide technical assistance in order to support States parties, at their request, in the implementation of their reporting obligations under the Convention. The Committee keeps these measures under review and modifies them as appropriate.

## V. Interaction with specialized agencies and bodies of the United Nations

28. Since its second session, the Committee has invited specialized agencies of the United Nations system to cooperate in its work. The Committee and the pre-session working group invite specialized agencies and United Nations bodies to provide reports containing country-specific information on States parties whose reports are before them. Representatives of these entities are invited to address the Committee in a closed meeting at the beginning of each of its sessions. They are also invited to address the pre-session working group. The Committee finds it most beneficial to be given written reports, the contents of which are highlighted by the representatives of the specialized agency or United Nations body concerned during the closed meetings with the Committee or working group. The Committee has adopted guidelines for the reports of specialized agencies and United Nations bodies in order to enhance its cooperation with them.[c]

29. The Committee recommends that specialized agencies and other entities of the United Nations system with field representation work with non-governmental organizations disseminate information on the Convention and on the work of the Committee. The Committee continues to explore cooperation in relation to field-level activities and to develop further ways of integrating the Convention into the work of the United Nations system.

## VI. Participation of non-governmental organizations in the activities of the Committee

30. Since its early sessions, the Committee has invited non-governmental organizations to follow its work. In order to ensure that it is as well informed as possible, the Committee invites representatives of national and international non-governmental organizations to provide country-specific information on States parties whose reports are before it. National and international non-governmental organizations are also invited to provide country-specific information to the pre-session working group on those States parties whose reports are before the group. Such information may be submitted in writing at any time, preferably in advance of

the relevant session or working group. In addition, the Committee sets aside time at each of its sessions, usually at the beginning of the first and second week of the session, to enable representatives of non-governmental organizations to provide oral information. The pre-session working group also provides an opportunity for non-governmental organizations to provide oral information. The Committee encourages international non-governmental organizations and United Nations organizations, funds and programmes to facilitate attendance at Committee sessions by representatives of national non-governmental organizations.

## VII. General recommendations

31. Article 21 of the Convention provides that the Committee may make suggestions and general recommendations based on the examination of reports and information received from States parties. General recommendations are normally directed at States parties and usually elaborate the Committee's view of the content of the obligations assumed by States as parties to the Convention.[d] The Committee elaborates general recommendations on articles or themes/issues of the Convention. Most of these outline matters which the Committee wishes to see addressed in the reports of States parties, and seek to provide detailed guidance to States parties on their obligations under the Convention and the steps that are required for compliance.

32. The Committee has so far adopted 25 general recommendations.[e] Those adopted during the Committee's first 10 years were short, addressing such issues as the content of reports, reservations to the Convention and resources for the Committee. At its tenth session, in 1991, the Committee decided to adopt the practice of issuing general recommendations on specific provisions of the Convention and on the relationship between the Convention articles and themes/issues. Following that decision, the Committee issued more detailed and comprehensive general recommendations which offer States parties clear guidance on the application of the Convention in particular situations. Comprehensive general recommendations have been adopted on violence against women (No. 19), equality in marriage and family relations (No. 21), women in public life (No. 23), access to health care (No. 24) and temporary special measures (No. 25).

33. In 1997, the Committee adopted a three-stage process for the formulation of general recommendations. The first stage consists of an open dialogue between the Committee, non-governmental organizations and others on the topic of the general recommendation. Specialized agencies and other bodies of the United Nations system, as well as NGOs are encouraged to participate in this discussion and to submit informal background papers. A Committee member is then asked to draft the general recommendation, which is discussed at the next or a subsequent session of the Committee. Resource persons may be invited to participate in the discussion. At a following session, the revised draft is adopted by the Committee. In July 2004, the Committee has initiated work on its next general recommendation on article 2 of the Convention.

## VIII. Statements adopted by the Committee

34. With a view to assisting States parties to the Convention, the Committee adopts statements to clarify and confirm its position with respect to major international developments and issues that bear upon the implementation of the Convention. These statements have dealt with issues such as reservations, gender and racial discrimination, solidarity with Afghan women, gender and sustainable development, discrimination against older women, and the situation of women in Iraq.

## IX. Optional Protocol to the Convention

35. Since the Optional Protocol to the Convention entered into force on 10 December 2000, the Committee allocates time at each session to consider issues arising thereunder. The Committee has appointed a five-member Working Group on Communications under the Optional Protocol. The Working Group has prepared a model form for submission of a communication.[f] As at 30 January 2004, it has registered three communications and also taken a number of decisions with regard to its methods of work.

## X. Other matters

36. The Committee continues to interact and coordinate activities with other human rights treaty bodies and mechanisms. It seeks the comments of other treaty bodies on its draft general recommendations and provides comments on their draft general recommendations/comments when invited to do so. Members of the Committee participate in relevant general discussion days held by other treaty bodies. The Committee holds discussions and exchanges views with other human rights mechanisms, including the special rapporteurs of the Commission on Human Rights on adequate housing, and violence against women, its causes and consequences.

37. The Chairperson of the Committee participates, on behalf of the Committee, in a number of meetings, including the annual sessions of the General Assembly, the Commission on Human Rights and the Commission on the Status of Women as well as meetings of persons chairing human rights treaty bodies. The Chairperson and other members of the Committee also participate in the inter-committee meetings of treaty bodies.

38. In addition to the two annual sessions, in January and July, at United Nations Headquarters, informal meetings of the members of the Committee, funded through extrabudgetary resources, are held from time to time. During such meetings, Committee members have focused mainly on enhancing the working methods of the Committee, including revision of reporting guidelines, and preparation of the Committee's rules of procedure under the Optional Protocol. To date (30 January 2004), three such meetings have been convened, and a fourth is in preparation.

39. As part of the many efforts to encourage and support the implementation of the Convention, members of the Committee participate in technical assistance activities, at the request of States, organized by the Division for the Advancement of Women,

by the Office of the United Nations High Commissioner for Human Rights and by regional United Nations bodies. These activities focus essentially on ratification of the Convention and the Optional Protocol, reporting under the Convention and on follow-up to the Committee's concluding comments.

*Notes*

[a] The Committee adopted revised reporting guidelines at its twenty-seventh session, in June 2002, which are effective for all reports submitted after 31 December 2002 and replace all earlier guidelines, which were first issued in 1983 and 1988 and revised in 1995 and 1996. For the text of the revised reporting guidelines, see *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38* (A/57/38), part two, annex. They are also available on the web site of the Division for the Advancement of Women at http://www.un.org/womenwatch/daw/cedaw/reporting.htm.

[b] For the guidelines for the core document, see HRI/GEN/2/Rev.1 and Add.1 and 2.

[c] See *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 38* (A/56/38), part two, paras. 392-395.

[d] Suggestions are usually addressed to United Nations entities.

[e] The texts of the general recommendations are available on the web site of the Division for the Advancement of Women at http://www.un.org/womenwatch/daw/cedaw/recommendations.htm.

[f] The form is available on the web site of the Division for the Advancement of Women, at http://www.un.org/womenwatch/daw/cedaw/protocol/crpl-communic.pdf, as well as in the report of the Committee on its twenty-sixth session (see *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38* (A/57/38), part one, para. 407).

# Annex XI

## Statement on the situation of women in Iraq

### Addressed to the Iraqi Interim Government

**The Committee on the Elimination of Discrimination against Women, during its thirty-first session, from 6 to 23 July 2004, took note of recent developments in Iraq, in particular the formation of the Iraqi Interim Government working towards the reconstruction of the country and ensuring the enjoyment of all human rights and fundamental freedoms of all people on the basis of equality of women and men.**

**As Iraq is a State party to the Committee on the Elimination of Discrimination against Women, the Committee has, on previous occasions, expressed concern about the situation of women in Iraq during the war.**

**The Committee now urges the Interim Government to do its utmost to ensure equal participation of women in the reconstruction process and full compliance with all provisions of the Convention in the development of the Iraqi society. The Committee urges the Interim Government to ensure that, as it prepares for elections, article 7 of the Convention be fully adhered to so that women can exercise their right to vote and to stand for election, on a basis of equality with men. In the same vein, the Committee urges the Interim Government to ensure that the principles of gender equality and non-discrimination of women, as they are enshrined in the Convention, are fully reflected in the entire legal framework of the country, including in the family and personal status laws. The Committee further emphasizes the urgent need to take special measures to rehabilitate and reintegrate women and children victims of war.**

**The Committee calls on the Interim Government of Iraq to ensure that full attention is given to the Committee's concerns and to the country's obligations as a State party to the Convention.**